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Filed: April 6, 1999
49th Day: May 20, 1999 (waived)
Staff: CLK – SF
Staff Report: July 26, 2001
Hearing Date: August 9, 2001

REVISED FINDINGS

APPEAL NO.:	**A-1-HMB-99-022**
APPLICANTS:	**Ailanto Properties**
AGENT:	**Robert Henry**
LOCAL GOVERNMENT:	**City of Half Moon Bay**
SUBSTANTIAL ISSUE:	The Commission found that the appeal of the local government action on this project raised a substantial issue on March 17, 2000.
PROJECT LOCATION:	Adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City of Half Moon Bay, San Mateo County.
PROJECT DESCRIPTION FOR DE NOVO REVIEW:	The proposed development includes subdivision of 3 existing parcels measuring 114 acres total into 134 residential lots, construction of a detached single-family home on each residential lot, streets, open space parcels and neighborhood park areas.
APPELLANTS:	Commissioner Sara Wan Commissioner Mike Reilly Eleanor Wittrup and George Carman
SUBSTANTIVE FILE DOCUMENTS:	See Appendix A

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EXECUTIVE SUMMARY

Prior Commission Action

On March 17, 2000 the Commission found that the appeals submitted regarding this proposed project raised a substantial issue with respect to the grounds on which they were filed. On May 12, 2000, the Commission opened a public hearing for the de novo portion of the appeal. During this hearing, the Commission staff presented a summary of the issues raised by the proposed project and the Commission received testimony from the applicant and from interested members of the public. The Commission then continued the de novo hearing to December 13, 2000 to allow staff additional time to prepare a recommendation for Commission action on the appeal.

On November 28, 2000, the staff published a written recommendation for denial of the permit application based on several factors including that the proposed development would cause significant adverse impacts to coastal access and recreation due to traffic congestion on coastal access routes and to environmentally sensitive habitat areas. At the December 13, 2000 hearing, the Commission heard testimony from the applicant, interested public, and the staff, and then continued the de novo hearing with direction to the applicant and staff to revise the project to resolve the sensitive habitat and other issues.

This staff report presents the Commission's adopted findings for action approving the Pacific Ridge development project under the Half Moon Bay Local Coastal Program on February 16, 2001.

Revisions to the Project

Since the project was initially approved by Half Moon Bay and appealed to the Commission, the applicant has made significant changes in the project. For instance, as approved by the City of Half Moon Bay, the project included 197 residential parcels. On October 28, 1999 the applicant, Ailanto Properties, revised the proposed plan to include 151 parcels containing 150 homes. A subsequent revision by Ailanto on January 26, 2001 has brought the number of proposed homes to 134. Included in this final project revision is the elimination of the loop road as well as the majority of the previously proposed development in the northern portion of the site.

Aside from revisions to the project, Ailanto has provided materials on a number of occasions that have clarified the nature of the proposed project. For instance, letters of April 4 and April 6, 2000 from Ailanto have addressed the 88 conditions adopted by Half Moon Bay when the City approved the previous version of the project on March 16, 1999, indicating which of the conditions have been incorporated by Ailanto into the project description and which ones have been superceded by subsequent alterations in the project. Revisions to the project and the clarifications provided by Ailanto have assisted Commission staff in analyzing the conformity of the project with the policies of the Local Coastal Program.

Because the proposed project is substantially different than the one that was approved by Half Moon Bay in March 1999 and analyzed in the Commission's findings regarding Substantial Issue, dated March 17, 2000, the appellants' statements of the reasons for the appeal, the applicant's preliminary responses to the appeal, and certain correspondence may address project elements that have been substantially changed or are no longer part of the revised proposed project. All of this correspondence is part of the project record, and much of it was attached as exhibits to the findings of substantial issue. For the sake of brevity, clarity, and to avoid waste, most of this superseded material is not again reproduced in this report. However, staff has

carefully reviewed that material to assure that the issues and concerns that apply to the proposed project, as revised, are addressed in this staff report.

Summary of the Staff Recommendation

The staff recommends that the Commission approve the permit application with 12 special conditions needed to offset the significant adverse impacts of the proposed development to environmentally sensitive habitat areas, public access and recreation, traffic, erosion control, water quality, and visual resources. Some of these significant adverse impacts and conditions are highlighted below.

- Chief among the impacts that the project would have is a significant contribution to traffic congestion on Highways 1 and 92. Although the project would also contribute through mitigation measures to a localized improvement in traffic congestion at nearby intersections, the contribution of this project along with others likely to occur over the next 10 to 20 years in the San Mateo County Mid-Coast area would further exacerbate highway congestion, thus adversely affecting the ability of the general public to reach the shoreline for recreational purposes.

  Only two regional highways connect Half Moon Bay to the larger Bay Area, and both highways already carry traffic at peak hours on weekdays and Saturdays in excess of their capacity. Although improvements to both highways are proposed by the City of Half Moon Bay, to which Ailanto Properties proposes to contribute, those improvements would be insufficient to assure satisfactory service levels in the future, given projected future growth.

  The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

  The Half Moon Bay LCP contains policies that prohibit new development if adequate services are not available to support it. For example, LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

  Up to 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through this proposed subdivision, which represents a net increase of 132 parcels over the two legal lots that currently exist, would only contribute to a long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline for priority visitor-serving and recreational purposes.

  To offset the significant adverse cumulative impacts of the development caused by increased traffic congestion and in exchange for allowing the applicant to create new lots that would result in significant adverse impacts on regional traffic congestion and the ability of the

public to access the coast, the staff recommends that the Commission impose Special Condition 7 requiring the applicant to retire the development rights of existing legal lots in the region on a one-for-one basis.

- Although project revisions have reduced the level of significant adverse impact, construction of the project as proposed would not assure the protection of sensitive species and environmentally sensitive habitat areas on and around the site consistent with the provisions of the certified LCP. The U. S. Fish and Wildlife Service has determined that the project site provides **critical**habitat for California red-legged frogs and habitat for San Francisco garter snakes, both federally listed species. Although the project provides the minimum wetland and riparian buffers specified by the LCP and a 150-foot buffer from a pond that may provide breeding habitat for these species, the proposed buffers are inadequate to protect the habitat for the listed frogs and snakes as required by certified LCP policies. Therefore, the project as proposed would result in significant adverse impacts to these species through direct loss of habitat in conflict with the environmentally sensitive habitat area (ESHA) protection policies of the LCP.

  The staff therefore recommends that the Commission impose Special Condition 1 requiring elimination of eight lots proposed to be created within 300 feet of a pond on the site that provides habitat suitable for California red-legged frogs and San Francisco garter snakes. Staff also recommends special conditions requiring the applicant to: (1) record an offer to dedicate an open space and conservation easement for resource protection and habitat conservation, (2) prepare and implement a habitat management plan, (3) protect the riparian corridors on the site, and (4) protect nesting raptors and western common yellowthroats from construction-related disturbance impacts.

1.0 STAFF RECOMMENDATION

The staff recommends that the Commission approve Coastal Development Permit Application A-1-HMB-99-022, subject to conditions, as follows:

MOTION:

I move that the Commission approve Coastal Development Permit No. A-1-HMB-99-022 subject to conditions pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development

on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

1.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

1.2 Special Conditions

1. Revised Subdivision Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a revised project site plan eliminating Lot Numbers 124-131 as shown on the Pacific Ridge at Half Moon Bay Site Plan dated January 26, 2001, attached as Exhibit 14. No development, including grading, shall be allowed on any slopes that currently drain to the pond or other wetlands north of Stream 3 as shown on the January 26, 2001 site plan.

B. The applicant shall undertake development in accordance with the revised site plan approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Open Space and Conservation Easement – Habitat Protection

A. No development, as defined in Coastal Act Section 30106, nor any agriculture or grazing activities shall occur in the environmentally sensitive habitat area north of Stream 3 as shown on Exhibit 14 except for: (1) construction of the fence that is sited and designed in accordance with Special Condition 5.A.7 below, and (2) other development necessary for habitat enhancement, if approved by the Commission as an amendment to this coastal development permit.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space and conservation easement for the purpose of resource protection and habitat conservation. Such easement shall include legal descriptions of both the applicant's entire property and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

C. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. <u>Public Access and Park Dedication</u>

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and consistent with the terms of the proposed project description, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate in fee to the City of Half Moon Bay or to another public agency approved by the Executive Director the 1.9-acre park site, as generally depicted on the January 26, 2001 site plan attached as Exhibit 14. The recorded document shall include legal descriptions of both the applicant's entire property and the fee dedication area. The recorded document shall also reflect that development in the fee dedication area is restricted to public park and recreation purposes.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and consistent with the terms of the proposed project description, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate a public access easement to the City of Half Moon Bay or another public agency or private association approved by the Executive Director over the entirety of the trails, paths and associated public parking area as generally depicted on the January 26, 2001 site plan attached as Exhibit 14, except that the section of trail on the hillside east of the developed area shall be re-sited closer to the developed area to leave a larger area undisturbed. The trails and paths shall be 10-feet-wide and the parking area shall accommodate 5 cars. The recorded document shall include legal descriptions of both the applicant's entire property and the easement area. The recorded document shall also reflect that development in the easement area is restricted to public access purposes as set forth in this condition.

C. The offers identified in Subsections A and B shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interests being conveyed. The offers shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. Open Space Deed Restriction – Scenic View Protection

A. No grading, building footprints, construction or landscaping shall occur on the slopes above the 160-foot contour as shown in Exhibit 15.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development on the slopes above the 160-foot contour except for the area within the habitat conservation easement area described in Special Condition 2. The deed restriction shall include legal descriptions of both the applicant's entire property and the easement area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Habitat Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Habitat Management Plan that shall provide the following specific measures designed to conserve enhance and manage the environmentally sensitive habitat area on the northern portion of the project site for the benefit of the San Francisco garter snake, the California red-legged frog, and other sensitive species that use the area, including raptors. The applicant shall be responsible for assuring the long-term implementation of the approved Habitat Management Plan.

1. Pond Hydrology

Maintain the diversion berm in central Drainage 3 to continue to direct intermittent water flow from Upper Drainage 3 toward the pond.

2. Grass Management

Manage grassland areas adjacent to, and upslope from, the pond and delineated wetlands to favor (re)establishment of native grass species and reduce or control invasive non-native species**.**

3. Habitat Enhancement

Manage lands to enhance and protect populations of target species of special-status biota, riparian areas, wetlands, and other site resources.

4. Fuel Management

Reduce or eliminate dangerous accumulations of wildfire fuels.

5. Open Space Management

Develop techniques and strategies for the active management of the open space areas using such tools and practices as grazing, prescribed burning, mechanical control of fuels, habitat (vegetation) restoration and establishment of native plants, erosion prevention and sediment control, and removal of exotic species.

6. Raptors

Prior to commencement of grading or any other construction-related activity, a qualified biologist shall conduct a survey of nesting raptors at the project site. If white-tailed kite, Cooper's hawk or other tree-nesting raptors are found, the tree(s) shall be protected from disturbance during the nesting season. A temporary fence shall be placed 200 feet from the drip line of such trees and all grading or construction activities, including storage of materials or equipment, shall be excluded from the fenced area. If ground-nesting northern barriers are found, a temporary nest shall be placed around the nest at a radius of 300 feet and all construction shall be excluded from the fenced area. During the nesting season, the biologist shall monitor the grading or construction site on a biweekly (14 day) period. The protection measures shall remain in effect until the biologist has verified that adults have abandoned the nest or the young have left the nest or nest tree.

Prior to commencement of grading or any other construction-related activity during the yellowthroat-nesting season, a qualified biologist shall conduct a survey of the project site for nesting salt marsh common yellowthroats. A 100-foot fenced temporary buffer shall be established around any active nest to exclude any construction activity, or any storage of materials or equipment from such buffer. The fence shall remain in place until August 1 of the year or until the biologist verifies that the nest is no longer active.

In the event that adult raptors or yellowthroats abandon a nest during grading or construction, the biologist shall within 48 hours prepare and submit a report to the executive director stating the observation and the biologist's professional opinion of the reasons therefor.

At the end of a grading or construction phase, or the end of each year's nesting season during project construction, whichever comes first, the biologist shall prepare and submit to the executive director a monitoring report on the effectiveness of this condition to protect any identified raptor or yellowthroat nests at the project site.

7. Perimeter Fence

The Habitat Management Plan shall provide for the construction of a four- to five-foot high fence with a solid base to separate the developed areas, including trails, from the adjacent open space and environmentally sensitive habitat areas.

B. For a period of five years following issuance of the coastal development permit on the anniversary date of the Commission's action to approve the permit, the applicant (or his consulting expert) shall perform and report to the Commission on a monitoring study, consistent with applicable wildlife agency protocols, of the utilization of the dedicated habitat conservation area by the sensitive species referenced in Special Condition 5.A Commencing with the eighth year following issuance of the coastal development permit and every third year thereafter, the "Pacific Ridge at Half Moon Bay" subdivision homeowners association, or its consulting expert, shall perform and report to the Commission on a monitoring study, consistent with applicable wildlife agency protocols of the utilization of the dedicated habitat conservation area by the sensitive species referenced in Special Condition 5.A.

C. The applicant, or his successors or assigns, during the term of the development and home sales program of the subdivision, and the homeowners association following completion

of subdivision home sales shall be responsible for the implementation, including, but limited to, any corrective actions of adverse conditions identified by the monitoring program pursuant to Special Condition 5.B.

D. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review of, and approval by the Executive Director, a report by a professional arborist of the eucalyptus trees in Drainages 1, 2, 3, 4, and 5, that describes their current state and makes recommendations for their long-term arboreal management including for roosting and nesting.

E. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall revise the landscape plan, dated January 26, 2001, to indicate the planting location of twelve (12) arroyo willows in central Drainage 2 to close the present (farm road) gap in the riparian corridor and offset the unavoidable loss of four willows adjacent to the westerly farm road, which is proposed to be expanded to accommodate the internal subdivision street crossing of Drainage 2.

6. **Riparian Corridor Protection**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, revised project plans that demonstrate that no development, including lot lines, shall be located within 30 feet of the edge of any riparian vegetation associated with Streams 1, 2, and 3, or within 30 feet of the centerline of the streams where no riparian vegetation is present. For purposes of this permit condition, riparian vegetation shall be defined as any vegetation that requires or tolerates soil moisture levels in excess of that available in adjacent terrestrial areas and is typically associated with the banks, edges, or terrestrial limits of freshwater bodies, water courses, or surface emergent aquifers.

B. The three stream crossings authorized herein shall span the streams with no supports located within the riparian corridors. All construction activities, materials and equipment are prohibited from entering the riparian corridors and their respective buffer zones except as necessary for the construction of one road crossing each on Streams 1, 2 and 3. Prior to commencement of grading, the applicant shall install temporary construction fencing along the outer edge of all riparian buffer zones as shown on the approved revised site plan.

7. Cumulative Public Access Impact Mitigation

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on at least 124 existing legal lots such that the subdivision of property authorized herein shall not result in a net increase of existing legal lots within that geographical area. The lots shall be extinguished only in the Mid-Coast Region of San Mateo County, an area that is generally depicted on Exhibit 16 and that is primarily served by the segment of Highway 1 between its intersection with Highway 92 and Devil's Slide and/or by the segment of Highway 92 west of Highway 280. Each mitigation lot shall be an existing legal lot or combination of contiguous lots in common ownership and shall be zoned to allow development of a detached single-family residence. The legality of each mitigation lot

shall be demonstrated by the issuance of a Certificate of Compliance by the City or County consistent with the applicable standards of the certified LCP and other applicable law.

B. For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicant shall, prior to issuance of the coastal development permit execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space or scenic easement to preserve the open space and scenic values present on the property that is the source of the development right being extinguished and to prevent the significant adverse cumulative impact to public access to the coast that would result as a consequence of development of the property for residential use. Such easement shall include a legal description of the entire property that is the source of the development right being extinguished. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. Each offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

C. For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicant shall, prior to issuance of the coastal development permit, also execute and record a deed restriction, in a form and content acceptable to the Executive Director, requiring the applicant to combine the property that is the source of the development right being extinguished with an adjacent already developed lot or with an adjacent lot that could demonstrably be developed consistent with the applicable certified local coastal program. The deed restriction shall include legal descriptions of all combined and individual lots affected by the deed restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

D. As an alternative to the method described in subsection B and C above, the applicant may instead, prior to issuance of the coastal development permit, purchase existing legal lots that satisfy the criteria in subsection A above and, subject to the review and approval of the Executive Director, dedicate such lots in fee to a public or private land management agency approved by the Executive Director for permanent public recreational or natural resource conservation purposes.

8. <u>Erosion Control</u>

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide, for the review and approval of the Executive Director, an Erosion Control Plan to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and

retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

1. **Erosion & Sediment Source Control**

   a. Sequence construction to install **sediment-capturing devices** first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.

   b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).

   c. Minimize the area of bare soil exposed at one time (phased grading).

   d. Clear only areas essential for construction.

   e. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.

   f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

   g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

   h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.

   i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

2. **Runoff Control and Conveyance**

   a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.

   b. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

3. **Sediment-Capturing Devices**

   a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.

b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

c. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

4. <u>Chemical Control</u>

a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.

b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.

c. Develop and implement spill prevention and control measures.

d. Provide sanitary facilities for construction workers.

e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.

f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.

g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

B. The applicant shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.

C. Erosion Control Maintenance. All of the above described erosion control measures shall be maintained pursuant to the following requirements.

1. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15th each year.

2. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).

3. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.

4. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.

5. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

D. Erosion Control Monitoring. Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15th), after the first storm of the rainy season, and monthly thereafter until April 30th for the duration of the project construction period. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections throughout the construction period.

9. Storm-water Pollution Prevention

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a final **Storm-water Pollution Prevention Plan (SWPPP).** The SWPPP shall demonstrate that the approved development shall maintain post-development peak runoff rate and average volume at levels equal to pre-development levels, and reduce the post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The SWPPP shall incorporate the Best Management Practices (BMPs) described below.

1. Minimize Creation of Impervious Surfaces

a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.

b. Minimize the number of residential street cul-de- sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.

c. Avoid curb and gutter along driveways and streets where appropriate.

d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.

e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, mulch, cobbles) to the extent practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.

f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.

g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of storm-water leaving the site.

2. Roads and Parking Lots

a. Install vegetative filter strips or catch basin inserts with other media filter devices, clarifiers, grassy swales and berms, or a combination thereof to remove or mitigating oil, grease, hydrocarbons, heavy metals and particulates from storm-water draining from all roads and parking lots.

b. Roads and parking lots should be vacuum swept monthly at a minimum, to remove debris and contaminant residue.

3. Landscaping

a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.

b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.

c. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15th each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.

d. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described below.

B. Storm-water Pollution Prevention Monitoring. The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved SWPPP including the detention basin. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30th of each year following the commencement of construction. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections of the detention basin and other structural BMPs.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director a **Water Quality Monitoring Plan** (WQMP). The WQMP shall be designed to evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater and shall provide the following:

1. The WQMP shall specify sampling locations appropriate to evaluate surface and groundwater quality throughout the project site, including, but not limited to all major storm drains.

2. The WQMP shall specify sampling protocols and permitted standards for all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease.

3. Beginning with the start of the first rainy season (October 15 - April 30) following commencement of development and continuing until three years following completion of all grading, landscaping and other earth disturbing work, surface water samples shall be collected from the specified sampling locations during the first significant storm event of the rainy season and each following month through April 30. Sampling shall continue thereafter in perpetuity on an annual basis during the first significant storm event of the rainy season.

4. Results of monitoring efforts shall be submitted to the Commission upon availability.

D. If any water quality standards specified in the WQMP are exceeded, the applicant shall assess the potential sources of the pollutant and the potential remedies. If it is determined based on this assessment that applicable water quality standards have not been met as a result of inadequate or failed BMPs, corrective actions or remedies shall be required. If potential remedies or corrective action constitute development, as defined in Section 30106 of the Coastal Act, an amendment to this permit shall be required.

E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

10. <u>Grading Plan</u>

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a **Final Grading Plan** specifying:

1. The respective quantities of cut and fill and the final design grades and locations for all project related grading, including building foundations, streets, drainage, and utilities.

2. The phasing of all grading during construction.

B. Grading shall be conducted in strict conformity to the approved Grading Plan, Erosion Control Plan, SWPPP, and habitat protection measures specified in Special Conditions 6, 9 and 10.

11. Project Site Access

A. Permanent vehicular and pedestrian access to serve the subdivision shall be provided along either the Bayview Drive right-of-way, from Highway 1, or the Foothill Boulevard right-of-way, from Highway 92. The applicant shall pay its fair share for signalization and associated highway intersection lane improvements for the selected permanent entry roadway. The permanent entry roadway shall not be located in, or within 100 feet of, a wetland, as defined in Half Moon Bay LCP Zoning Ordinance Section 18.38.020.E, or in, or within 30 feet of a riparian area, as defined in Half Moon Bay LCP Zoning Ordinance Section 18.38.020.B, provided that improvements to the existing Foothill Boulevard right-of-way segment adjacent to the easterly side of Half Moon Bay High School may occur within the right-of-way if existing adjacent riparian vegetation or wetland areas outside the right-of-way are protected. If Foothill Boulevard is the permanent entry roadway, it shall be designed and constructed as a two-lane street (with a sidewalk and bike lane) to serve the subdivision project, adjacent residences and ranches, and as an emergency additional entry to Half Moon Bay High School, but shall not be connected to Terrace Avenue, Bayview Avenue, or Grandview Avenue.

B. Until completion of the permanent entry road to the subdivision described in Special Condition 11A above, Terrace Avenue may be used as vehicular access for up to the first 40 homes in the subdivision. Following completion of the permanent entry road to the subdivision, an emergency/fire department gate shall be installed across Terrace Avenue immediately east of the area in the subdivision project occupied by the five (5) trailhead parking spaces indicated on Exhibit 14, provided that the public access walkway to the "loop Trail" (as shown on Exhibit 14) shall remain open and be signed for public use, Terrace Avenue to the east of the gate shall thereafter be used for emergency vehicular access only.

C. During Project construction, construction vehicle and construction worker traffic may utilize Terrace Avenue to access the Project site, provided that if either the Bayview Drive right-of-way, from Highway 1, or the Foothill Boulevard right-of-way, from Highway 92, is available for use by the applicant then such accessway other than Terrace Avenue shall be used to gain construction access to the subdivision project site. Temporary improvements to either right-of-way other than Terrace Avenue are permitted to accommodate the construction traffic, provided that adjacent riparian vegetation or wetland areas shall be fenced and screened to avoid intrusion by either equipment or materials.

12. Raptor Protection

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a biological survey conducted by a qualified biologist/ornithologist that demonstrates that no development involving physical construction, including grading, shall occur within 100 feet of any nesting habitat for any state or federally listed species of raptor.

2.0 FINDINGS AND DECLARATIONS

[NOTE: The full text of the LCP, Coastal Act and other policies and regulations referenced herein are attached as Appendix C of this report.]

2.1 Standard of Review

The entire City of Half Moon Bay is within the California coastal zone. The City has a certified Local Coastal Program, which allows the City to issue Local Coastal Permits except in areas of original jurisdiction retained by the Commission. The local action of the City is appealable to the Commission because it contains areas of wetlands and streams subject to the appeal jurisdiction of the Commission under Public Resources Code (PRC) Section 30603(a)(2).

Because the Commission found in March 2000 that the appeals of the local government action on this project raise a substantial issue under the LCP, the Commission must consider the entire application *de novo* (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115). Ailanto has previously asserted that only those physical portions of the project that are located within 100 feet of a stream or wetland are before the Commission de novo. However, the applicant confuses initial jurisdictional prerequisites with the Commission's authority to review the entire Pacific Ridge Development project de novo. Although Section 30603 lists the types of development for which the Commission has jurisdiction to hear an appeal, Section 30603 also indicates the parameters under which such review is to take place once jurisdiction is established. In accordance with Coastal Act Section 30603(a), the appeal is of the action taken by the local government. Likewise, Section 30625 of the Coastal Act provides that any appealable action on a coastal development permit by a local government may be appealed to the Commission. Section 30625 also provides that the Commission may then approve, modify, or deny such proposed development. Section 30621 and implementing regulation Section 13115 state that the application for the proposed development is before the Commission de novo. Therefore, consistent with Coastal Act Sections 30603, 30621 and 30625 and implementing regulation Section 13115 the entire application acted on by the City is before the Commission de novo. Finally, the Commission also notes that the proposed development includes a subdivision of the entire property. The proposed subdivision will change the intensity and density of use of the entire property. Accordingly, the impact of the proposed subdivision is inseparable and is not geographicallyseverable.

Section 30604(b) states that after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program. Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the policies of the Coastal Act (sections 30210 through 30264) as the guiding policies of the LUP. Policy 1-4 of the City's LUP states that prior to issuance of any development permit, the [Commission] shall make the finding that the development meets the standards set forth in all applicable LUP policies. Thus, the LUP incorporates the Chapter 3 policies of the Coastal Act. These policies are therefore included in the standard of review for the proposed project.

The project site is located within the Planned Development Area (PUD) designated in the City's LUP as the Dykstra Ranch PUD. Section 9.3.7 of the LUP specifically addresses the development of the Dykstra Ranch PUD, and includes "Proposed Development Conditions" for the development. Section 18.37.020.C of the City's Zoning Code states in relevant part:

> *New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development…*

Therefore, Proposed Development Conditions (a) through (h) contained in LUP Section 9.3.7 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.7(a) through 9.3.7(h).

LUP Policy 9.3.7(a) requires a specific plan to be prepared for the entire [Dykstra Ranch Planned Development] area which incorporated all of the stated conditions and conforms to all other policies of the Land Use Plan. Accordingly, the City approved a specific plan for the Dykstra Ranch PUD on January 4, 1994, and subsequently incorporated this PUD plan as Chapter 18.16 of the Zoning Code – Dykstra Ranch PUD Zoning District. The Commission certified the PUD in April 1996. In accordance with the definitions provided in Zoning Code Section 18.02.040, the LCP uses the terms "Specific Plan" and "Planned Unit Development Plan" synonymously. Zoning Code Section 18.15.045.C states that a Planned Unit Development Plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested. Neither a coastal development permit (CDP) nor a building permit has been issued for the proposed project. Therefore, by its own terms the Dykstra Ranch PUD Plan/Specific Plan expired in April of 1998, two years after the Commission certified the PUD and it became effective in the City. Because the specific plan has expired, Zoning Code Chapter 18.16 is not included in the standard of review for this coastal development permit application. A new specific plan has not been prepared for the development.

LUP Policy 9-8 states that areas designated in the LUP as PUD shall be planned as a unit and that preparation of specific plans may be required for one or more separate ownerships, individually or collectively, when parcels comprising a PUD are in separate ownerships. LUP Policy 9-14 states that where portions of a PUD are in separate ownership, approval may be granted for development of a parcel or group of parcels within the PUD provided that the City has approved a specific plan for the PUD district. The Dykstra Ranch PUD District is comprised of two lots under a single ownership, and the Pacific Ridge Development represents a development plan for the entire PUD district. Therefore, pursuant to LUP Policies 9-8 and 9-14, a specific plan is not required as a prerequisite to the development of the Dykstra Ranch PUD. Although the specific plan required to be prepared under LUP Section 9.3.7(a) has expired, the Commission finds the development in conformance with the LCP, including the proposed development conditions for the PUD, without preparation of a new specific plan.

2.2 Project Location and Description

The proposed project is within the Dykstra Ranch Planned Unit Development (PUD) area, located on a coastal terrace east of Highway 1 and north of State Route 92 at the eastern edge of the City of Half Moon Bay, San Mateo County, approximately one mile east of the Pacific Ocean (Exhibit 1). A mix of suburban development and vacant former agricultural lands lies between the site and Highway 1. Half Moon Bay High School is located on the southwest boundary of the site (Exhibit 3).

The elevation of the property ranges from about 245 feet in the southeast portion of the project area down to about 45 or 50 feet in the northwest corner. The western portion of the project area contains gentle slopes in the five percent range. Some ridges, particularly in the northeast, are

steeply sloped, approaching 28 percent in some cases. The land has been used for grazing cattle and has a history of barley cultivation.

Soils on the site consist of natural deposits of alluvium and artificial fill. The alluvial soils display slight to moderate erosion potential. Soils on the rolling hills in the northwestern part of the site also pose slight to moderate erosion potential. The upland soils on the hills, along the northeastern boundary of the site are moderately to highly erodable. The site contains artificial fills for an earthen dam and an embankment and drainage channel berms, relating to previous agricultural activities. Approximately 36 acres or 32 percent of the site contain prime agricultural soils (Exhibit 10).

The site lies in the transition area between the foothills along the western flank of the Santa Cruz Mountains and the coastal plain in Half Moon Bay. The closest active earthquake faults are located approximately five miles northeast of the site. The general area is a seismically active region, and is subject to strong seismic ground shaking.

The project as approved by the City was to subdivide the 114-acre site into 197 residential lots. Subsequent to the Commission's determination of substantial issue, the applicant revised the project for purposes of the de novo permit review. These revisions included reduction from 197 to 145 lots, relocation of a portion of the main "loop road" to avoid encroachment into the pond buffer area, and additional wetland and riparian corridor protections (Exhibit 9). On January 16, 2001, in an effort to address some of the concerns raised during the December 13, 2000 Commission hearing, the applicant again amended the permit application and provided additional information. The revisions include, among other changes, a reduction in the level of development located in and adjacent to the environmentally sensitive habitat area north of Stream 3. The applicant submitted further revisions to the Commission staff on January 26, 2001 eliminating another five lots from the habitat area. This decrease in development in and adjacent to environmentally sensitive habitat areas is accomplished by shifting much of the proposed development to the southern half of the site and reducing the number of proposed residential lots from 145 to 134 (Exhibit 14).

The revised subdivision plan eliminates the previously proposed loop road from the northern portion of the site, which, if constructed, would have created a significant barrier within migration corridors for San Francisco garter snakes and California red-legged frogs and would have required three stream crossings. The revised plan also reduces the number of proposed lots located north of Stream 3 from 66 to 33. The revised project description specifies that the remaining lots proposed to be created north of Stream 3 would be graded to drain toward the streets and not into the pond or other wetlands. Consequently, the applicant deleted the high water flood control drain previously proposed to be installed in the pond.

Ailanto proposes to develop the lots with two-story houses ranging in size from 2,571 to 3,547 square feet. Many of the homes are positioned for views of the ocean (Exhibit 15). To increase the variation in design, the applicant proposes to construct detached garages for approximately 58 percent of the houses. Houses are projected by the applicant to be priced above $500,000, and to appeal to people purchasing their second or third home. These buyers are expected to be families with children of high school age or older. In its final revision to the proposed project plans received January 16, 2001, the applicant amended the project description to indicate that ten percent of the residences would be offered for sale at below market rate prices.

Infrastructure improvements to serve the development include privately maintained subdivision streets and underground lines for water, power, and sewer services. Ailanto has paid assessments to the Sewer Authority Midcoast and to the Coastside County Water District to assure sewer and water capacity to serve the development.

As originally proposed to the City the project included the construction of Foothill Boulevard linking the site to State Route 92 to the south and the extension of Grand View Boulevard linking the development to Highway 1 to the west. However the City denied the construction of these roadways due to their encroachment into wetland areas. For purposes of the Commission de novo review of the permit application, Ailanto has revised the project to provide access to the development from highway 1 through an extension of Terrace Avenue, an existing neighborhood street that abuts the development site to the west (Exhibit 2). The applicant proposes to provide approximately $1 million for improvements at the intersection of Terrace Avenue and Highway 1 including lane widening and a traffic signal.

The applicant proposes to dedicate open space easements over approximately 5.15 acres of the site for park use. A homeowners association would maintain subdivision streets, sidewalks, streetlights, monument signs, wetlands, the pond, and open space amenities such as benches, bicycle racks, a tot lot and a gazebo.

2.3 Traffic Impacts

The Commission requires the applicant to retire the development rights of 124 existing legal lots in the Mid-Coast Region to offset the significant adverse cumulative impacts of the proposed subdivision to coastal access due to increased traffic congestion on Highways 1 and 92.

2.3.1 Issue Summary

Road access to the Mid-Coast region of San Mateo County including the City of Half Moon Bay and the portion of the California coast within this region is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. As a result, the level of service on the highways at numerous bottleneck sections is currently and will in the future continue to be rated as LOS F. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of service rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend mid-day peak. The LCP contains policies that protect the public's ability to access the coast. Because there are no alternative access routes to the and along the coastline in this area of the coast, the extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

Without any new subdivisions, there are approximately 2,500 existing undeveloped small lots within the City. Each of these lots could potentially be developed with at least one single-family residence. Even with the City's Measure A 3-percent residential growth restriction in place, this buildout level could be reached by 2010. If the Measure D one percent growth restriction

approved by Half Moon Bay voters in November 1999 is implemented through an amendment to the LCP (litigation challenging the measure is currently pending), the rate of buildout would be slowed, but neither of these growth rate restrictions change the ultimate buildout level allowed.

In addition to the fact that capacity increases to the highways are constrained both legally and physically, there is a significant imbalance between housing supply and jobs throughout the region. The County's Congestion Management Plan (CMP) concludes that a major factor contributing to existing and future traffic congestion throughout the County is the imbalance between the job supply and housing (CCAG 1998). In most areas of the County, the problem is caused by a shortage of housing near the job centers, resulting in workers commuting long distances from outside the County. In these areas, the CMP recommends general plan and zoning changes designed to increase the housing supply near the job centers of the County. In the Mid-Coast area of the County however, the problem is reversed. In accordance with the projections contained in the CMP, buildout of the currently existing lots within the City of Half Moon Bay would exceed the housing supply needed to support jobs in the area by approximately 2,200 units, contributing to significantly worse congestion on the area's highways. Simply put, the capacity of the regional transportation network cannot feasibly be increased to the level necessary to meet the demand created by the development potentially allowable under the City and the County land use plans.

The most recent Countywide Transportation Plan predicts far greater congestion on these two corridors by 2010, stating "in 2010 the most congested corridor [in San Mateo County] will be Western 92" (C/CAG 2000). This report projects increases in the traffic volumes of 197- and 218-percent on Highways 1 and 92 respectively in the Mid-Coast region, and attributes these increases to "the anticipated levels of new development on the Coastside and the continued pattern of Coastsiders out-commuting to jobs in San Francisco and on the Bayside." This latest report serves to corroborate and underscore the findings of all of the previous traffic studies conducted in the region over the past three decades that Highways 1 and 92 in the Mid-Coast Region are not adequate to serve either the current or the expected future demands of development.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure including roads. LUP Policy 9-2 states in relevant part:

> ***No permit for development shall be issued unless a finding is made that such developmen****t will be served upon completion with water, sewer, schools, and* ***road facilities****…* [Emphasis added.]

LUP Policy 9-4 states in relevant part:

> *Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development…* ***Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*** [Emphasis added.]

LUP Policy 10-4 states:

> *The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other*

> *development and control the rate of new development permitted in the City to avoid overloading of public works and services.*

The LCP also adopts Coastal Act Section 30252 as a guiding policy, which states in relevant part:

> *The location and amount of new development should maintain and enhance public access to the coast….*

In light of the inescapable fact that there is not adequate highway capacity to serve even the existing level of development in the region, the question that is squarely before the Commission in considering the proposed subdivision is whether the applicant's request to create 124 new legal lots can be permitted consistent with the certified LCP policies. Because there are no alternative access routes to and along the coastline in this area of the coast, the extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies. The Commission finds that any increase in legal lots in the Mid-Coast Region will result in significant adverse project-specific and cumulative impacts to public access, and would therefore be inconsistent with the Half Moon Bay LCP. However, although the Commission could deny the proposed subdivision because it is inconsistent with certified LCP policies, the significant adverse cumulative impacts to highway congestion and public access to and along the coast in the Mid-Coast region of San Mateo County associated with new residential subdivisions can be offset by retiring the development rights on an equivalent number of existing legal lots in the region.

The applicant proposes to mitigate the impacts of the proposed development to area traffic by providing the City with funding to install a traffic signal on Highway 1 where it intersects with the access road proposed to the development and to widen an 800-foot portion of Highway 1 near this intersection. The applicant's transportation consultant has provided data showing that with these and other highway and intersection improvements contemplated by the City, six intersections in the vicinity of the development site will operate at acceptable levels, representing an improvement over existing conditions. These projects, however, would likely be constructed in any event, although if the applicant provides funding, it may accelerate their implementation. The infrastructure improvements the applicant proposed are all in Half Moon Bay, and so these would not mitigate the project's impacts on congestion outside of the city limits at all. The regional project-specific and cumulative impacts, which impede public access to the coast, are of greater concern than impacts that are limited to Half Moon Bay.

In addition, the applicant proposes to mitigate the regional cumulative traffic impacts of the proposed development through a one-time contribution of $500 per lot to the San Mateo County Regional Transportation Authority, SAMTRANS, for a total of $63,000. The applicant has not however demonstrated that these funds would be spent in a manner that would in any way lessen the traffic impacts of the project or offset the significant adverse cumulative impacts of anticipated development to coastal access. In fact, the regional transportation studies demonstrate that no level of investment in transportation system improvements is adequate to avoid increased congestion on Mid-Coast Highways 1 and 92. The San Mateo County

Countywide Transportation Plan shows that even with the maximum investment of $3.2 billion in highway and transit improvements, the regional level of service on Highways 1 and 92 will be significantly worse by 2010 than the current levels.

The regional transportation studies conducted over the last 20 plus years clearly and consistently demonstrate that the area highways cannot support the current level of development and that anticipated growth will result in even greater traffic congestion despite billions of dollars of transportation system expenditures. Therefore, the Commission finds that adequate infrastructure is not available to serve the proposed development, as required by the Half Moon Bay LCP and that the mitigation proposed by the applicant is inadequate to offset these impacts. Furthermore, the Commission finds that the regional cumulative traffic impacts of the proposed development would significantly interfere with the public's ability to access the coast, in conflict with Coastal Act Policies 30210, 30250(a) and 30252, all of which are incorporated as policies of the certified Half Moon Bay LUP. Only by conditioning the permit to require the applicant to retire existing legal lots to offset the growth related to the proposed creation of new lots can the Commission find the proposed development consistent with the Half Moon Bay LCP.

As discussed further below, the Commission concludes that a condition requiring the proportional retirement of lots in the Mid-Coast region is essential to achieve consistency of the project with the Half Moon Bay LCP and therefore imposes Special Condition 7 requiring the applicant to extinguish the development rights on at least 124 existing legal lots in the San Mateo County Mid-Coast region.

2.3.2 LCP Standards

The LCP allows new development only if road and other services are adequate.

The City of Half Moon Bay LCP contains policies requiring adequate road capacity to serve new development and to minimize impacts of development to traffic on Highways 1 and 92. LUP Policy 9-2 specifies that new development shall not be permitted unless it is found that the development will be served upon completion with road facilities. LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted.

Section 9.3.7 of the LUP includes proposed development conditions for the development of the Dykstra Ranch Planned Unit Development Area (the project site). Proposed Development Condition 9.3.7(a) provides for the reduction of the maximum allowable density of 228 units for the project site if the remaining capacity on Highway 92 is inadequate to accommodate that level of development.

In addition, pursuant to LUP Policy 1-1, the City has adopted the Chapter 3 policies of the Coastal Act as the guiding policies of the LUP. Accordingly, the City's LUP adopts Coastal Act Sections 30210, 30250 and 30252, which also require that development shall not interfere with the public's ability to access the coast and shall only be approved in areas with adequate public services.

2.3.3 Regional Transportation Setting

Road access to Half Moon Bay and the San Mateo County Mid-Coast region is already overwhelmed and capacity increases are severely constrained.

The City of Half Moon Bay and its coastline can only be accessed via Highway 1 from the north and south and by Highway 92 from the east (Exhibits 1, 2, and 3). Capacity increases to these roadways are constrained both legally and physically.

Highway 1 Corridor

The Highway 1 corridor is currently overwhelmed at peak times. The maximum capacity of the Highway 1 corridor (LOS E)[1] is approximately 2,500 vehicles per hour. Any volume greater than 2,500 vehicles per hour is considered an undesirable level of service F. Currently, the corridor carries approximately 3,120 vehicles during the weekday PM peak-hour and 3,000 vehicles during the Saturday midday peak-hour. Thus, the corridor operates at LOS F at these times (Fehr & Peers 2000b). In addition, the unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to heavy traffic on Highway 1 that constrains turning movements of vehicles attempting to enter Highway 1 from Terrace Avenue (Dowling 1998).

While the corridor may be improved in the future, the potential for increased capacity is limited especially outside of Half Moon Bay. Approximately 10 miles north of the City, in San Mateo County, Highway 1 passes through the "Devil's Slide" area, where landslides cause frequent interruptions and occasional closures during the rainy season. Caltrans is currently seeking necessary approvals to construct a tunnel to by-pass Devil's Slide. While the tunnel will improve operations of the highway in the section by preventing slide-related delays and closures, the width of the tunnel will only allow one lane in each direction consistent with Coastal Act Section 30254. Construction of additional lanes to provide additional capacity is therefore not an option in the Devil's Slide area. (The Coastal Commission approved San Mateo County LCP Amendment 1-96 on January 9, 1997 providing for the tunnel alternative.)

The Highway 1 right-of-way provides sufficient width for a four-lane roadway throughout the City of Half Moon Bay. South of Miramontes Point Road, Highway 1 has a rural character with one lane and a graded shoulder in each direction. It varies in width between two and four lanes between Miramontes Point Road and Kelly Avenue. North of Kelly Avenue, it includes two lanes in each direction separated by a raised median before returning to one lane in each direction north of North Main Street. The intersections of Highway 1 with North Main Street, Highway 92, and Kelly Avenue are controlled with traffic signals. The intersections of Highway 1 with minor roadways, including the proposed project site access Terrace Avenue, are controlled with stop signs on the minor street approaches. The roadway widens at unsignalized intersections to accommodate a 12-foot left turn lane. However, because of the heavy traffic congestion on Highway 1 during peak hours, significant delays occur for left turn movements into and out of these unsignalized minor street intersections.

[1] Traffic analysis is commonly undertaken using the level of service rating method. The level of service rating is a qualitative description of the operational conditions along roadways and within intersections. Level of service is reported using an A through F letter system to describe travel delay and congestion. Level of service (LOS) A indicates free-flowing conditions. LOS E indicates the maximum capacity condition with significant congestion and delays. A LOS F rating indicates traffic that exceeds operational capacity with unacceptable delays and congestion.

In the beginning of the year 2000, the City began drafting a Project Study Report (PSR) for submittal to Caltrans to study an approximately $3 million improvement plan for the approximately 3,000-foot section of Highway 1 between North Main Street and Kehoe Avenue. On June 20, 2000, the City Council considered eight alternatives for this improvement project. The improvements contemplated included widening the remaining two-lane portions of this section of the highway to four lanes, consolidating intersections, and improving bicycle and pedestrian safety. Under this plan, Bayview Drive would serve as the consolidated, arterial street to serve the existing and planned neighborhoods in this area of the City inland of Highway 1 with a signalized intersection. The other intersections north of North Main would remain unsignalized and restricted to right turning traffic. The City anticipated that the San Mateo County Transportation Authority (SMCTA) would provide substantial funding for these improvements.

The City recently began studies to determine if signal warrants are met for the currently unsignalized Highway 1 intersections at Grandview Avenue, Roosevelt Boulevard, Mirada Road, and Filbert Street. Caltrans recently determined that a signal is warranted at the Ruisseau Francaise/Highway 1 intersection.

Coastal Act Section 30254 states that it is the intent of the legislature that in rural areas, Highway 1 shall remain a scenic two-lane road. This Coastal Act policy is implemented through the San Mateo County LCP both to the north and to the south of the City, outside the City Limits.

Highway 92 Corridor

Highway 92 runs east of the City to Highway 280 traversing steep rugged terrain. Here too, there is some potential for increased capacity within Half Moon Bay, but there is little basis for concluding that the severe congestion outside of the city will be alleviated. Because of the steep slopes, slow-moving vehicles delay eastbound traffic. In accordance with the LUP, the capacity of this highway is 1,400 vehicles per hour (in each direction of travel). Currently, the Highway 92 corridor carries approximately 1,976 vehicles during the weekday PM peak-hour and 1,800 vehicles during the Saturday midday peak-hour. Given the characteristics of this roadway, including its steep slopes and curves, this traffic volume results in levels of service F during the weekday peak and nearly F during the weekend peak.

In 1989, the voters of San Mateo County passed Measure A, a 1/2 cent sales tax initiative to provide funds for transportation improvements within the County.[2] Operational and safety improvements to Highway 92 from Highway 1 to Highway 280 were included as part of the Measure A program. Improvements were subsequently divided into four separate construction packages. Construction was recently completed on the first segment to go into construction, the section of Highway 1 from Pilarcitos Creek south of the City to Skyline Boulevard (Highway 35). The other three segments include Highway 92 improvements within the City and in the County area east of the City limit. This project has been divided into two phases. The City will construct Phase 1 and the SMCTA will construct Phase 2.

Phase 1 of the Half Moon Bay Highway 92 improvement project addresses the western segment of the highway within the City. The Phase 1 improvements include widening portions of

[2] Unrelated to the City of Half Moon Bay Residential Growth Initiative also known as Measure A.

Highway 92 from two to four lanes, intersection improvements, and improved bicycle and pedestrian safety (Exhibits 4-7). The City will enter into a cooperative agreement with Caltrans for final design and construction for the Phase 1 project. In 1998, the City entered into an agreement with the SMCTA for additional funding for the Phase 1 portion of the project. Funding for Phase 1 includes $3.97 million from the State, $4.92 million from SCMTA and $0.82 million from the City. The City expects to complete Phase 1 by 2002.

Phase 2 follows Highway 92 from approximately 2,230 feet east of Main Street to the City limit line and will be constructed by the SCMTA. Phase 2 will include widening the remaining portion of the highway to the City limit line to provide one standard 12-foot lane and an 8-foot outside shoulder in each direction.

The Phase 1 and 2 improvements will improve traffic flow along this segment within the City consistent with the Circulation Element of the City's General Plan. The improvements will not, however, improve the bottlenecks on Highway 92 east of the City that interfere with the public's ability to access the coast from inland areas. On May 11, 2000, the City Planning Commission certified a mitigated negative declaration (MND) and approved a coastal development permit for the Phase 1 Highway 92 improvements within the City. The MND finds that the project will bring this portion of the Highway 92 corridor within the City Limits to an acceptable level of service under the LCP (LOS C or better). The Planning Commission's approval of this project was appealed to the City Council. The City Council rejected the appeal, granting the final local approval for the project on July 16, 2000. The City's approval was not appealed the Coastal Commission.

Construction was recently completed of an uphill-passing lane on the segment of Highway 92 east of the City. In addition, the SCMTA is preparing plans for a widening and curve correction project from Pilarcitos Creek to the proposed Foothill Boulevard. This project will include widening of existing lanes and curve corrections to improve safety, but the steep and rugged terrain and proximity to stream corridors prohibit widening the roadway to provide additional lanes east of the City Limits. Thus, while the proposed lane widening and curve corrections will improve the flow of traffic through this corridor, it is not feasible to increase capacity through further lane additions to the segment of Highway 92 between the City limit line and Highway 280 to the east.

2.3.4 Regional Growth Projections

Contrary to the applicant's cumulative impact analysis, regional growth projections for Half Moon Bay and the San Mateo County Mid-Coast region predict growth that will exceed the capacity of the transportation system.

Cumulative impact analysis is based on an assessment of project impacts combined with other projects causing related impacts (14 CCR § 15355). In accordance with CEQA, cumulative impact analysis must consider reasonably foreseeable future projects or activities. The CEQA guidelines identify two sources of data that can be consulted for the purpose of evaluating the significant cumulative impacts of development (14 CCR § 15130(b)):

(1) Either:

(A) A list of past, present and probable future projects producing related or cumulative impacts, including those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted general or related planning document or in a prior environmental document which has been adopted or certified, which describes or evaluates regional or area wide conditions contributing to the cumulative impact. [Emphasis added.]

The applicant's traffic study is based on a list of projects as described in Subsection (A) to project future development for its assessment of cumulative project impacts to traffic. The applicant's transportation consultant considered all known permitted and planned developments as provided by City of Half Moon Bay and San Mateo County planning staff and an additional 540 residential "in-fill" units in determining expected growth. Based on these data, the applicant considers the traffic volume that would be generated by the addition of 2,308 residential units, 582 hotel units, and 250,000 square feet of commercial development for its cumulative traffic impact analysis (Fehr & Peers 2000a). However, the applicant's transportation consultant did not include all of the projects required to be considered in compiling a list of past, present, and probable future projects under CEQA. The CEQA Guidelines provide (14 CCR § 15130(b)):

> *"Probable future projects" may be limited to… projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan…* [Emphasis added.]

The list of past, present, and probable future projects used for the applicant's transportation analysis is incomplete, and underestimates future growth because not all projects identified in the City and County General Plans and the San Mateo County Countywide Transportation Plan have been included. (14 CCR § 15130(b) and 15130(b)(1)(A). **The list of probable future projects does not include the future development of sites specifically identified in the land use plans, such as the subdivision and development of the Surf Beach/Dunes Beach Planned Unit Development District, which is zoned for a 150-unit subdivision.** CEQA Regulation Section 15130(b)(1)(B) provides an alternative method to determine the impacts of other projects causing related impacts that relies on adopted planning documents. This method also supports the use of the Half Moon Bay and San Mateo County LCPs and the San Mateo County Countywide Transportation Plan as the relevant planning documents for the purpose of assessing the potential cumulative impacts of the proposed development. The housing supply growth projections contained in these planning documents are addressed below.

Land Use Plans

The San Mateo County and Half Moon Bay Land Use Plans specify the approximate number of households in the Mid-Coast region if maximum potential buildout occurs. Buildout refers to the point in time when all developable lots have been developed. These projections are based on current zoning and available lots. The area contains a large number of undeveloped lots in existing "paper subdivisions" dating back to the early 20th Century. The LUPs do not fully account for the development of these lots because an accurate count of the number of developable lots in these paper subdivisions does not exist. As a result, the maximum potential buildout levels may be underestimated, particularly in the County.

Half Moon Bay LUP Table 1.1 *Maximum Housing and Population, Half Moon Bay Land Use Plan* shows the City at 3,612 existing units as of 1992, growing to full buildout of 7,991-8071 households by 2020. These projections are based on a 3-percent annual growth rate consistent with the City's certified LCP Measure A growth restriction and a ratio of 2.6 persons per household.

The San Mateo County LUP estimates the buildout population for the rural and urban Mid-Coast area north of Half Moon Bay at 17,085 persons, and for the south of the City (South Coast) at 5,000 persons (LUP Table 2.21 *Estimated Buildout Population of LCP Land Use Plan*). The LUP does not estimate the number of households that these population levels would reflect. Using the same ratio of 2.6 persons to household used for the City's LUP, the County buildout levels expressed in numbers of households is 6,571 for the Mid-Coast and 1,923 for the South Coast. There are no annual residential growth restrictions in the County Mid-Coast and South Coast planning areas outside the City of Half Moon Bay.

San Mateo County Countywide Transportation Plan

In June 1997, the City/County Association of Governments of San Mateo County (CCAG) published the second edition of the San Mateo County Countywide Transportation Plan Alternatives Report (CCAG 1997). The CTPAR analyzes land and transportation alternatives for cities, the County and transportation agencies to consider as the basis for the development of future land use and transportation development policy. The study consists of four major components: (1) a Travel Demand Forecasting Model which predicts how people travel and what impacts those trips have on the County's transportation system, (2) a Land Use Information System (LUIS) which provides existing and projected numbers of households and jobs for each transportation analysis zone, (3) five land use scenarios to assess how different land use densities and patterns affect travel demand and mode, (4) eighteen transportation scenarios to test how well additive groups of projects relieve congestion.

The LUIS was developed specifically for the purpose of analyzing potential impacts of future development and job growth on the County's transportation network. The LUIS is based on information provided from each local jurisdiction, including up to date information on recently completed projects, projects under construction, proposed projects, and the supply of potential development sites (including new subdivisions) and in-fill areas.

The five land use scenarios in the CTPAR are: (1) Base Case 2010, (2) General Plan Buildout, (3) Economic Development, (4) Urban Reuse/Opportunity Areas, and (5) Reduced Growth. The sources used to develop the different scenarios include the LUIS, ABAG Projections '94, data provided by local jurisdictions, San Francisco International Airport Master Plan Final EIR, and Economic & Planning Systems, Inc.

The Base Case 2010 Scenario projects the addition of 2,555 new households will be constructed in Half Moon Bay between 1990 and 2010 for a total of 5,692 households in the City. The scenario predicts 1,798 new households for this period in the unincorporated Mid-Coast region reaching a total of 5,367 by 2010. The growth forecasts for this scenario were specifically derived from planned development and vacant land capacity information provided by local jurisdictions.

The General Plan Buildout Scenario projects the buildout for Half Moon Bay as 7,196 total households, an increase of 4,059 units from the 3,137 units existing in 1990. Buildout for the unincorporated Mid Coast is projected as 5,367 households. The growth projections for this scenario are based on local jurisdictions' future land use designations, estimates of residential development and infill capacity and projected absorption to buildout.

The Economic Development Scenario is designed to test the effects of providing increased housing in the job center areas of the County above the level projected under the base case. This

scenario reflects the addition of a total of 50,000 new households in the County by 2010, which is 18,000 more than the level projected by the Base Case 2010 Scenario. Through rezoning and redevelopment, new housing above the existing General Plan buildout levels would be provided in every subregional planning area *except* Half Moon Bay and the unincorporated Mid Coast. Under the Economic Development Scenario, the change in housing supply in these two coastal planning areas for the period between 1990 and 2010 would be reduced from the Base Case projections by 63-percent in the City and by 87-percent in the unincorporated areas. The number of households in 2010 would be reduced in this scenario to a total of 4,087 in the City and 3,811 in the unincorporated area.

The Urban Reuse/Opportunity Areas Scenario is designed to determine the effect of increasing land use densities in strategic areas. "Opportunity Areas" for this scenario are defined as areas that can support intensified development. This scenario assumes 8,000 more households in Opportunity Areas than in the Base Case. This scenario, like the Economic Development Scenario, provides for increased housing development above the Base Case level in all planning subregions except for Half Moon Bay and the unincorporated Mid-Coast. This scenario projects the total number of households by 2010 as 3,958 in the City and 3,811 in the unincorporated area, representing 68-percent and 87-percent reductions in growth from that projected by the Base Case.

The Reduced Growth Scenario assumes reductions in both the increases in housing supply and employment. Key to this scenario is the assumption that job growth will be limited proportional to new households. This scenario projects the total number of households by 2010 as 3,958 in the City and 3,811 in the unincorporated Mid-Coast area – the same levels as the Urban Reuse Scenario.

Discussion – Regional Growth Projections

The growth projections assumed for the applicant's cumulative impact analysis are significantly lower than those contained in both the relevant general plans/land use plans and in the regional transportation plan.

Table 1 below compares the buildout data contained in the LCPs updated with U.S. Census and California Department of Finance data to make it comparable to the information presented in the applicant's studies, the CTPAR, and the applicant's cumulative impact analysis (Fehr & Peers 2000a).

TABLE 1

Additional Housing Units after 2000					
Source	**LCP 2010**	**LCP Buildout**	**CTPAR 2010**	**CTPAR Buildout**	**Applicant's study**
Half Moon Bay	2,195	4,117	1,738	3,242	1,507
San Mateo Co. Mid-Coast	not available	3,438	1,679	1,679	799

HOUSING UNIT GROWTH PROJECTIONS

***Estimated levels based on update of 1990 levels using U.S. Census and California Department of Finance data.**

The discrepancy between the buildout projections in the major planning documents for the region and the assumptions used in the applicant's traffic studies profoundly affect the results of the cumulative impact analysis for the project. Using either the LCP or the CTPAR evidences greater congestion and lower levels of service at buildout in all the locations addressed in the Fehr & Peers report.

2.3.5 Traffic Impacts and Volume Projections

Traffic already exceeds the capacity of area highways, and will become a greater concern in the future. The proposed development will contribute to the problem.

Trip Generation: Construction Traffic

Construction-related traffic has the potential to adversely affect local traffic circulation on Terrace Avenue and at the intersection of Terrace and Highway 1. Construction traffic associated with the proposed project will generate an average of 46-50 trips per day over an approximately 300-day construction period through the unsignalized Terrace Avenue/Highway 1 intersection (Fehr & Peers 2000b). This construction traffic represents a 1.6-percent increase over the current peak-hour traffic within the Highway 1 corridor north of North Main Street.

Trip Generation: Post-Construction Traffic

Assessment of the post-construction traffic impacts of the proposed development is based on estimated vehicle trip rates for a 150-unit development. The development will generate 156 new trips during the PM peak-hour and 144 new trips during the Saturday noon peak-hour (Fehr & Peers 2000a; Appendix B). These new trips represent an approximately 4.7-percent increase of traffic within the Highway 1 corridor north of North Main Street. The applicant's study gave slightly lower figures, but these were based on an outdated edition of the Institute of Transportation Engineers trip generation manual. The applicant's figures have therefore been adjusted to reflect data in the current edition of the manual.) (Fehr & Peers 2000a; Institute of Transportation Engineers publication Trip Generation 5th Edition)

Applicant's Traffic Impact Analysis

The applicant's traffic study includes projected traffic volumes in Half Moon Bay generated by the Pacific Ridge development based on four different site access alternatives (Fehr & Peers 2000a). Based on the above-described growth assumptions, the applicant's transportation consultant projects future traffic volumes as follows:

- Weekday PM peak-hour for Highway 1 between North Main Street and Terrace Avenue – 3963 trips (proposed project contributes 2.2 percent toward total).
- Saturday noon peak-hour for Highway 1 between North Main Street and Terrace Avenue – 4378 trips (proposed project contributes 2.6 percent toward total).
- Weekday PM peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 2987 trips (proposed project contributes 2.0 percent toward total).
- Saturday noon peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 3053 trips (proposed project contributes 1.1 percent toward total).

Using these cumulative traffic increase forecasts, the applicant's transportation consultant reaches the following conclusions. If all of the Highway 1 and 92 improvements described above

are constructed, all intersections on Highway 1 north of North Main Street and Highway 92 between Highway 1 and [proposed] Foothill Boulevard would operate at acceptable levels of service LOS A-D, and the project would not therefore result in significant cumulative traffic impacts.

The applicant's analysis shows that without the roadway improvements, all of the Highway 1 intersections would operate at LOS F. Under this scenario, the applicant concludes that the project would result in significant cumulative impacts to traffic. The applicant also notes that even without the roadway improvements, significant cumulative traffic impacts could be avoided if access to the project site were provided via either Foothill Boulevard or a combination of both Foothill and Bayview.

However, as discussed above, the growth projections used for the applicant's cumulative impact analysis does not comport with either of the methods to calculate cumulative impacts that are identified in CEQA. Based on the allowable buildout under the Half Moon Bay and San Mateo County LUPs, future traffic volumes are projected to be much greater than those used in the applicant's traffic analysis. Thus, the conclusions reached in the applicant's analysis regarding the cumulative impacts of the development on traffic underestimate future growth because all probable future projects as defined by CEQA have not been included. The Commission finds that even with these improvements, overulitization of the roads will continue to increase, both in Half Moon Bay and the region.

Countywide Transportation Plan Traffic Projections

The CTPAR considers eighteen transportation scenarios to test how well additive groups of projects relieve congestion. Six primary transportation scenarios were developed to test the effects to regional traffic congestion of additive groups of transportation improvement projects cumulatively. Twelve secondary transportation scenarios were developed to allow more detailed analysis of improvements to a single transportation mode. For purposes of evaluating the potential cumulative impacts of the proposed development, the Commission assumes the maximum level of transportation improvements considered under the CTPAR as described in Transportation Scenario 6c.

CTPAR Transportation Scenario 6c assumes that all contemplated highway and transit improvements throughout the County are constructed, including the Devil's Slide bypass, Highway 92 widening and intersection improvements within Half Moon Bay, curve corrections, shoulder widening, slow vehicle passing lane for the section of Highway 92 east of Half Moon Bay to Highway 280, and public transit improvements to Caltrain, BART, and bus services. The CTPAR does not consider transportation improvement projects that are not planned or programmed such as widening and/or intersection improvements to Highway 1 within the Half Moon Bay City Limits.

The CTPAR combines the five land use and eighteen transportation scenarios to test a total of nine primary and 14 secondary alternatives to test the effects of various combinations of land use and transportation scenarios using the Travel Demand Forecasting Model. The Travel Demand Forecasting Model was developed using interactive transportation planning software to be consistent with the Metropolitan Transportation Commission's (MTC) regional travel demand forecasting model. The model consists of four main components: (1) trip generation, (2) trip distribution, (3) modal split, and (4) trip assignment. These are the typical components found in models designed to simulate travel demand based on different assumptions about land use,

demographics and transportation system characteristics. The modal split component of the model was refined in 1994 and 1995 to provide a finer level of detail than the MTC model.

The nine primary alternatives analyze transportation improvements under different land use assumptions that impact all modes of transportation. The secondary alternatives assess the effects of improvements that impact only one transportation mode. Primary Alternative 6c combines Transportation Scenario 6c (maximum improvements) with the Land Use Scenario 1 (Base Case 2010). This transportation scenario is intended to show the congestion levels that will exist in 2010, even with $3.2 billion in transportation system improvements and without substantial land use and zoning changes.

Exhibit 12 shows the projected year 2010 volume to capacity (v/c) ratios during the PM peak-hour on Highways 1 and 92 under Alternative 6c. A v/c ratio of greater than 1.00 is the equivalent to LOS F. As shown in Exhibit 12, significant portions of Highway 1 north of Highway 92 will operate at v/c ratios in excess of 1.00 in both the north and southbound directions, including most of the City of Half Moon Bay. The PM peak-hour v/c ratio for westbound Highway 92 is projected under Scenario 6c to exceed 2.00 for most of the corridor east of the City to Highway 280. Thus, the CTPAR shows that even with the maximum level of transportation system investment, traffic volumes on both highways is projected to be far in excess of capacity, if residential and commercial development proceed as projected, within the limits of the City and County LCPs. It is also important to note that the Base Case 2010 land use scenario used for this alternative assumes less growth than the level allowable under the City and County LCPs and under Half Moon Bay's Measure A growth limits.

Discussion – Traffic Volume Projections

As discussed above, the applicant's transportation analysis does not comport with either of the methods to calculate cumulative impacts that are identified in CEQA. Consequently, the conclusions reached in the applicant's analysis regarding the cumulative traffic impacts of the project underestimate housing growth compared with the City and County Land Use Plans and the CTPAR.

In an October 19, 2000 memo, the applicant's transportation consultant asserts that CTPAR Transportation Alternative 6c does not accurately project future traffic congestion for the region because it overestimates population growth within the City of Half Moon Bay and does not account for improvements to the Highway 1 corridor within the City (Fehr & Peers 2000c). The applicant challenges the Scenario 6c growth projection based on the assertions that it does not consider the annual population growth restrictions under Half Moon Bay Measures A and D or limited water availability (Fehr & Peers 2000c).

Growth Restrictions

LUP Policy 9.4, Residential Growth Limitation, limits the number of new dwelling units that the City may authorize to that necessary to allow an annual population growth of no more than 3-percent. LUP Table 9.3, *Phasing Schedule to Year 2020 Based on Maximum of 3% Annual Population Growth*, forecasts a total of 6,149 households in the City in the year 2010. Scenario 6c is based on a forecast of 5,692 households in 2010. Thus, contrary to the applicant's position, Scenario 6c underestimates potential growth under Measure A.

City of Half Moon Bay voters passed Measure D in November 1999, imposing a 1-percent annual population growth limit within the City (with an additional 0.5-percent allowed in the

downtown area). Measure D is intended to replace the existing 3-percent growth restriction under Measure A. Litigation challenging the legality of Measure D was filed shortly after its passage. The lawsuit has been stayed pending Coastal Commission approval of an LCP amendment to enact the measure. If Measure D is enacted and withstands legal challenge, the new 1.5-percent growth restriction would become effective. However, before it is effective, and particularly before the litigation concerning its legality has concluded, the Commission finds that it is premature to assume a 1-percent[3] annual population growth limit for purposes of evaluating the cumulative impacts of the proposed development as suggested by the applicant.

Land Use Scenario 1 is the only scenario used in the study that estimates 2010 housing levels under current zoning and growth restrictions. The reduced 2010 housing levels in Half Moon Bay and the Mid-Coast estimated under Land Use Scenarios 3, 4 and 5 all assume land use plan and zoning changes to significantly reduce future development in the City and the County. It would be inappropriate to use these scenarios for a cumulative impact analysis before such plan changes have occurred.

Notwithstanding the previous discussion, even if Measure D does go into effect in the future, it will only serve to slow growth within the incorporated area of Half Moon Bay. Measure D will not reduce the ultimate level of growth at LCP buildout within the City and will not slow the growth in areas outside of the City Limits.

Water Availability

The applicant also asserts that limited water availability will limit housing growth below the levels predicted under Land Use Scenario 1 and the LUPs. The applicant's discussion of water availability is limited to the statement that "According to Blaire King (City Manager, Half Moon Bay) there are only about 800 available water hook-ups for the San Mateo Coast including Half Moon Bay." This statement is based on a memo that states that as of May 1997, approximately 800 non-priority and 1,100 priority water connections from the Crystal Springs water supply project remained uninstalled (pers. com. Blaire King 11/13/00).

The Coastside County Water District (CCWD) provides water service for a portion of the San Mateo County coast, including Half Moon Bay, El Granada, Miramar and Princeton-by-the-Sea. The Crystal Springs project, completed in 1994, serves the southern portion of the CCWD service area. The northern portion is served by the Denniston Creek project. The District also operates seasonal wells on Pilarcitos Creek and purchases water from the San Francisco Water Department's Pilarcitos and Upper Crystal Springs reservoirs.

The CCWD does not supply water to the South Coast area or the Mid-Coast areas north of Miramar including Montara. Water service in Montara is supplied by the Citizen's Utility District and private wells. The South Coast area is served by private wells and some small private reservoirs. Both the County and City LCPs allow private wells and new wells to continue to be drilled to serve some new development in the region.

The applicant's contention that only 800 water connections are available to serve new development on the San Mateo Coast is therefore inaccurate. Moreover, if water supply becomes a constraint on growth in the future, nothing prohibits upgrades to the water supply system to meet demand. This was in fact the reason that the CCWD constructed the Crystal

[3] The applicant's transportation consultant does not consider the additional 0.5-percent growth allowable in the downtown area.

Springs project. At this time, the CCWD's water transmission system is more of a constraint to growth than water supply.

Consequently, the CCWD is currently contemplating expansion of the transmission system. On October 19, 1999, the San Mateo County Board of Supervisors approved a CDP application from the CCWD to upgrade the El Granada transmission pipeline from the existing 10-inch line to a 16-inch line. The County approval of this project was appealed to the Coastal Commission. On February 18, 2000, the Commission found that the appeal raised a substantial issue, in part, because the approved 16-inch pipeline may exceed the capacity necessary to serve the level of buildout of all uses – priority and non-priority – provided for during LCP Phase I, and could therefore be growth inducing. The CCWD has requested that the Commission postpone action on the de novo portion of this appeal to allow the District to re-evaluate the appropriate level of transmission system upgrades necessary to serve Phase I buildout. The District has indicated in a letter to the Commission its intention to seek final approval of system design and implementation plan that satisfy the LCP requirements and meet the community's needs for water quality and availability.

For the reasons discussed above, the Commission cannot conclude that limited water supply will constrain growth in Half Moon Bay and the County below the levels projected in the CTPAR and the LUPs.

Highway 1 Improvements

The applicant's transportation consultant points out that the CTPAR does not consider the effects to traffic congestion of the Highway 1 widening and intersection improvements between North Main Street and Kehoe Avenue. The applicant's traffic analysis relies on these improvements to offset traffic impacts of the development and shows that without the widening and intersection improvements, the project will result in significant adverse impacts. The improvements proposed by the applicant to be provided as a part of the project are installation of a traffic signal at the Terrace Avenue/Highway 1 intersection and widening of Highway 1 to four lanes from North Main Street to 400 feet north of Terrace Avenue. It is reasonable, however, to expect that the ever-worsening traffic congestion will spur local governments to carry out all feasible improvements whether or not this project goes ahead, although if the applicant provides funding, it may expedite certain improvements. Over the long-term, however, the Commission finds that the applicant's proposed improvements may well be implemented even in the absence of funding from this project.

Thus, the Commission cannot rely on these potential Highway 1 improvements to mitigate the impacts to regional traffic congestion caused by the proposed development. Even if the section of Highway 1 from North Main Street to 400 feet north of Terrace Avenue is widened and the traffic signal is installed at Terrace Avenue, significant sections of both Highway 1 north of the City and Highway 92 east of the City will continue to operate at LOS F or worse. Highway improvements to this small section of roadway within the City will do little to mitigate the impacts of traffic congestion caused by new development to coastal visitors, including the proposed project's significant adverse cumulative impacts to traffic congestion and the public's ability to access the coast.

Consideration of project impacts at a regional level is expressly required under the CEQA Regulations concerning cumulative impact analysis. In addition to underestimating growth, the applicant's cumulative impact analysis fails to consider the impacts of the development to traffic

congestion at a regional level. The analysis contained in the Fehr & Peers report is based on forecasted operation of six intersections within the City, representing a very limited portion of the affected roadways. However, the project's contribution to the cumulative loading of coastal roads is not limited to these intersections. The analysis assumes that Highway 92 will be widened to four lanes between Highway 1 and the City limit, but it does not present an analysis of the cumulative impact of traffic east of the City limit where Highway 92 will remain two lanes. It also does not analyze the impact where Highway 1 will remain two lanes within the urban area, even after the assumed widening in the vicinity of the project, nor Highway 1 in the rural area north and south of the City where Coastal Act Section 30254 requires that it remain two lanes. Highways 1 and 92 are the only roads available to reach this part of the coast. An analysis of the contribution of the project to potential bottlenecks on these coastal arteries is essential in evaluating the significant cumulative adverse impacts of the proposed development.

As discussed above, the applicant concludes that with the Highway 1 and 92 improvements contemplated by the City, the six studied intersections would operate at acceptable levels and that the project would not therefore result in cumulative traffic impacts. However, the CTPAR shows that even with the maximum investment of $3.2 billion in highway and transit improvements, the regional level of service on Highways 1 and 92 will be significantly worse than the current unacceptable levels, *even with growth control measures in place*.

The applicant's transportation consultant provides the following reasons for not incorporating the CTPAR conclusions into its analysis (Fehr & Peers 2000a):

- *The environmental analysis required that intersection operations be analyzed, requiring traffic projections down to individual turning movement. By loading traffic to the road network from only two TAZs [Traffic Analysis Zones], the countywide model is not able to accurately reflect traffic flow at the intersection level.*
- *The countywide model does not contain the road network necessary to evaluate operations at secondary intersections within Half Moon Bay (i.e., Terrace, Grandview, and Bayview).*
- *In determining link levels of service, the countywide model does not take consider [sic] lane channelization, intersection control, signal timing and phasing, etc.*

In other words, the CTPAR analysis addresses broad-scale, regional impacts, whereas the Fehr & Peers analysis addresses specific intersections nearby the development site and a small section of the Highway 1 corridor.

While it is accurate to note that the CTPAR does not include analysis of the operation of secondary intersections, it does provide a very detailed analysis throughout the highway corridors and accounts for both lane widening and intersection improvements. The fact that the CTPAR does not study individual intersection operations does not invalidate its relevance in evaluating the regional cumulative traffic impacts of the proposed development.

The applicant suggests that CTPAR Alternative 7 best predicts future traffic congestion for the region. Alternative 7 is based on Transportation Scenario 6 and Land Use Scenario 3. As discussed above, Land Use Scenario 3 (Economic Growth Scenario) assumes a total of 4,087 households for the City of Half Moon Bay in 2010. Based on the January 2000 California Department of Finance population and housing estimates, there are currently approximately 3,954 households in the City. Thus, the growth level assumed under Land Use Scenario 3 would

allow construction of a total of approximately 133 households within the City between 2000 and 2010. This level of development would represent an annual housing growth rate of approximately 0.34-percent within the City for the next ten years, a rate far lower than those allowable under either Measures A or D. Land Use Scenario 3 assumes even greater reductions in growth in the unincorporated areas of the County's Mid-Coast, with a reduction of 87-percent from that expected under the Base Case. Currently, there are no growth reduction measures in effect in the County Mid-Coast. It is highly improbable that such low growth rates will be realized in either the City or the County areas for the period from 2000 to 2010. Therefore, the housing growth rates assumed in developing CTPAR Alternative 7 are not appropriate for use in assessing the potential impacts to regional traffic congestion levels of the proposed development.

2.3.6 Traffic Impacts to Public Access and Visitor Serving Uses

Traffic congestion resulting from the proposed subdivision will interfere with the public's ability to access the coast.

The Half Moon Bay shoreline includes approximately 4.5 miles of heavily used publicly owned beach. As the population of the greater San Francisco Bay area continues to grow, use of the Half Moon Bay beaches is expected to increase. The congestion on Highways 1 and 92 is currently at a level that significantly interferes with the public's ability to access the Half Moon Bay shoreline. Approval of new subdivisions in the area would increase the level of development beyond that required to be allowed under the current parcelization. Such action would further interfere with the public's ability to access the San Mateo coast, would consume road capacity for a non-priority use, and would locate development in areas with inadequate services creating a significant adverse impact on coastal resources in conflict with certified LCP policies.

LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

Section 10.4.4 of the City's LCP states that:

- The Coastal Act requires that road capacity not be consumed by new, non-priority developments, at the expense of adequate service for priority uses, such as public recreation and visitor-serving commercial uses.
- The major issue involves potential conflict for transportation capacity between new residential development and reservation of adequate capacity for visitor travel to Coastside beaches.

LCP Policy 10-4 reserves public works capacity (including highway capacity) for priority uses to ensure that this capacity is not consumed by other development, and controls the rate of permitted new development to avoid overloading public works and services. In addition, the City adopted Coastal Act Sections 30210 and 30252 as guiding policies to the LCP. These policies require that development shall not interfere with the public's ability to access the sea, the location and amount of new development should maintain and enhance public access to the coast, and that new development be located in areas with adequate public services where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources. Moreover, pursuant to LUP Policy 9-4, lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the certified LCP.

2.3.7 Mitigation Proposed by Applicant

The applicant proposes to contribute $1 million for improvements at the intersection of Terrace Avenue and Highway 1 including lane widening and a traffic signal. The infrastructure improvements proposed by the applicant are all in Half Moon Bay and would not mitigate the project's impacts on traffic congestion outside the city limits at all. These improvements have not been approved by either Caltrans or the City and, as further discussed in Section 2.4.3 below, there is a significant question concerning the impact of a traffic signal at Terrace Avenue to traffic flow on Highway 1. However, even if the proposed traffic signal and lane widening is approved and constructed, as discussed above, infrastructure improvements alone are inadequate to mitigate the significant adverse regional cumulative traffic impacts of the proposed development.

In addition, the applicant proposes to mitigate the regional cumulative traffic impacts of the proposed development though a one-time contribution of $500 per lot to the San Mateo County Regional Transportation Authority, SAMTRANS, for a total of $63,000. The applicant has not, however, demonstrated that SAMTRANS has any potential use for these funds that would significantly decrease the use of private cars in Half Moon Bay or in the region. Accordingly, there is no indication that this proposal would mitigate the project-specific or cumulative impacts that undermine the LCP traffic policies.

As discussed above, the CTPAR shows that even with the maximum investment of $3.2 billion in highway and transit improvements, the regional level of service on Highways 1 and 92 in 2010 will be significantly worse than the current levels. CTPAR Transportation Scenario 6c assumes that all contemplated highway and transit improvements throughout the County are constructed, including the Devil's Slide bypass, Highway 92 widening and intersection improvements within Half Moon Bay, curve corrections, shoulder widening, slow vehicle passing lane for the section of Highway 92 east of Half Moon Bay to Highway 280, and public transit improvements to Caltrain, BART, and bus services. This transportation scenario is intended to show the congestion levels that will exist in 2010, even with $3.2 billion in transportation system improvements, without substantial land use and zoning changes. The results demonstrate that even with these transportation system improvements, the 2010 traffic volume will more than double the capacity of Highways 1 and 92 at numerous sections within the Mid-Coast during peak periods. Thus, the Commission finds that the mitigation measures proposed by the applicant are insufficient to offset the significant adverse cumulative traffic impacts of the proposed development on regional traffic congestion or the consequent significant adverse cumulative impacts to the public's ability to access the coast.

2.3.8 Land Use Controls

The San Mateo County Congestion Management Plan (CCAG 1998) states that one of the key contributors to traffic congestion in the County is the imbalance between the number of people who work in the County and the County's housing supply. For most communities in the County, the problem is a shortage of housing near job centers. However, in the County mid-coast region including Half Moon Bay, the problem is reversed. It is primarily because the Mid-Coast housing supply far exceeds the local job supply that commuter traffic congestion on Highways 1 and 92 is at its current state. The CMP finds that based on projected job growth the 2010 housing supply in the City will exceed local housing needs by 3,235 units. The CMP shows that

given expected job growth rates, only 315 additional housing units above the 1990 level will be needed in the City by 2010. Additional job growth above that projected in the City could help to alleviate this imbalance. Congestion management dictates that the County's housing supply needs should be addressed by providing additional housing in the job centers of the County and not in the Mid-Coast area.

According to the data contained in Table 9.1 of the Half Moon Bay LUP, there are currently approximately 2,500 existing subdivided small lots that could potentially be developed under the LUP. These include 2,124 to 2,189 in-fill lots in existing residential neighborhoods and 325 to 340 lots in undeveloped "paper subdivisions." Many of these existing lots, particularly those in "antiquated subdivisions" do not conform with current zoning standards, and their development potential is unclear. Assuming arguendo that some of these lots are legal lots, the Fifth Amendment to the United States Constitution provides that without just compensation. In accordance with this principle, Coastal Act Section 30010 provides:

> *The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

However, while the owners of legally subdivided lots are entitled to a reasonable economic use of their existing legally subdivided lots, the Commission is not obligated to create additional lots.

Buildout of the existing already subdivided small lots within the City could provide for as many as 2,529 new housing units, exceeding the City's 2010 housing supply need by 2,214 units (based on expected job growth) according to the County CMP. The Pacific Ridge Development site is made up of two existing lots, both of which could be developed even without a subdivision. Given the inability of the area's highways to serve the potential development of the existing subdivided lots within the City, the Commission could, consistent with the policies of the LCP, deny the proposed subdivision because it would serve to further increase the potential buildout of the area.

2.3.9 Lot Retirement

One way in which the impacts of new subdivisions within the City to the highway congestion could be avoided is through a transfer of development rights (TDR) program. A TDR (also known as transfer of development credit) program could allow the overall buildout level within the City to be reduced by transferring the development rights of existing undeveloped small lots to unsubdivided areas. Such a program in the City could be used to retire the development potential of the many non-conforming lots in "antiquated subdivisions" and in existing neighborhoods. Such a program could facilitate more appropriate planning to allow development in areas more suitable for residential uses while preserving open space for public access, viewshed, and habitat protection.

Lot retirement, however, is not dependent on the existence of an established TDR program, but can feasibly be undertaken by an individual developer in the absence of any such program. In fact, the Wavecrest Village Development considered by the Commission in October 2000

proposed a net decrease in developable lots in Half Moon Bay. Even so, the City has included the development of a TDR program in its work program for the LCP update, and the Commission awarded assistance grant funding for this work program in December 2000.

In the December 15, 1999 preliminary assessment of the feasibility of establishing a TDR program, the City's consultant identified 663 parcels and 1,453 potential transfer or donor sites in four PUD districts in the City. These sites were identified as particularly desirable donor sites for a TDR program to achieve a number of planning goals. However, since any existing legal lot is potentially developable, the retirement of existing legal lots at any location within the Mid-Coast region, including both infill lots and antiquated subdivisions, would be sufficient to mitigate the significant adverse cumulative impacts of the proposed subdivision. In addition, since development anywhere within the San Mateo County Mid-Coast contributes to traffic congestion on Highways 1 and 92, retirement of development rights anywhere in this region would offset the significant adverse cumulative impacts of the Pacific Ridge development. Thus, in addition to the donor sites identified in the City's preliminary assessment, the proportional retirement of development rights on any of the several thousand existing undeveloped legal lots within the Mid-Coast region would serve to offset the significant adverse cumulative impacts of the proposed project.

The Commission has previously imposed a lot retirement requirement as a condition of approval for proposed subdivisions in an area without a transfer of development rights program. The Commission first imposed such a requirement in 1979 as a condition of a coastal development permit for a small lot subdivision in the Santa Monica Mountains to mitigate for significant adverse cumulative impacts on public access to and along the coast due to severe traffic congestion on Highway 1. The Commission took this action prior to the creation of the Malibu/Santa Monica Mountains TDC program. In fact, the Commission's action in 1979 provided a major impetus for the formation of the Malibu/Santa Monica Mountains TDC program. To this day, the Commission continues to implement the Malibu/Santa Monica Mountains TDC program by conditioning the approval of coastal development permits for new subdivisions in the affected area. Thus, the imposition of Special Condition 7 is consistent with the Commission's actions on subdivisions in the Santa Monica Mountains for over 20 years. The Commission also finds that Special Condition 7 is consistent with TDC programs in San Luis Obispo County and Big Sur. Thus, the Commission finds that this requirement is consistent with over 20 years of both Commission and local government regulation of coastal development under the Coastal Act and certified local coastal programs in other areas of the state.

The Commission also finds that the cost of implementing Special Condition 7 would be a small fraction of the anticipated market value of the development. The city's 1999 TDR feasibility study identified 1,453 potential donor lots in four PUD-zoned districts within the city limits. Most of these donor lots do not meet the 5,000-square-foot minimum parcel size required under the city's zoning code and are contained in paper subdivisions that are not served by roads or other infrastructure. This represents only a small fraction of the tens of thousands of existing substandard lots in paper subdivisions throughout the San Mateo County Mid-Coast. Though the development potential of these substandard lots is limited, in accordance with Coastal Act Section 30010, any privately owned legal lot, substandard or not, is potentially developable. Given the substantial economic value of coastal development and the proximity of the Mid-Coast to San Francisco and Silicon Valley, the Commission must assume that, unless acquired for open

space or conservation purposes, any existing legal lot in private ownership will eventually be developed.

The Commission finds that the applicant overestimates the cost of the carrying out Special Condition 7. The city's TDR feasibility study considered a number of factors to set a value for the transfer of development credits available in the donor sites considered. The study recommends combining the 1,453 substandard lots in accordance with the zoning code minimum parcel size to provide a total of 432 development credits at a value of $32,500 per credit. At this price, 124 development credits would cost the applicant a total of $4,030,000. However, under Special Condition 7, a full transfer of development credit is granted to any existing legal lot without consideration of the lot's development potential or zoning conformity. Thus, each of the 1,453 lots considered in the city's study is a potential donor lot under the condition. On average, the value of these substandard paper lots is considerably lower than $32,500. Based on recent sales of substandard lots as well as information provided by the Half Moon Bay Planning Department, the Commission finds that such lots are valued at between $3,000 to $50,000 with the majority at the lower end of the range. Thus, the Commission estimates the cost of implementing Special Condition 7 at between approximately $250,000 and $4 million.

As approximated from property real estate listings, the current market rate for new homes comparable in scale to those proposed by the applicant is in excess of $1 million. Taking into consideration the applicant's proposal to offer 10 percent of the proposed homes at below market rate, the total value of the proposed homes will likely exceed $100 million. The Commission finds that the $250,000 to $4 million cost of implementing Special Condition 7 would not render the proposed development economically infeasible.

Finally, the Commission notes that it is not requiring the applicant to extinguish the development rights on: (1) an equal number of developable lots; or (2) the number and size of legal lots necessary to accommodate the construction of detached single family residences equal to the gross floor area of the specific residential development that it is intended to mitigate; or (3) at least 124 lots in which the combined area of the lot is equal to the total area of the 124 new residential lots. These alternatives were rejected by the Commission based on feasibility concerns; the alternatives would be more costly to the applicant and may not be as easy to implement as the alternative chosen by the Commission in Special Condition 7.

2.3.10 Constitutionality of Lot Retirement Condition

Pursuant to Coastal Act Section 30010, the Commission is restricted from acting in a manner that would take or damage private property for public use without the payment of just compensation. In applying this policy in its consideration of the proposed development, the Commission is guided by the U.S. Supreme Court decisions in Lucas, Nollan and Dolan.[4]

Under the Nollan decision, the Commission must find that the mitigation required by the conditions it imposes is reasonably related to the impact it is intended to offset. In other words,

[4] Lucas v. South Carolina Coastal Council (1992) 505 U.S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798. Nollan v. California Coastal Commission (1987) 483 U.S. 825, 107 S. Ct. 3141, 97 L. Ed. 2d 677. Dolan v. City of Tigard, (1994) 512 U.S. 374, 114 S. Ct. 2309, 129 L. Ed. 2d 304.

there must be a relationship or "nexus" between the nature of the mitigation requirement and the nature of the impact caused by the development. As discussed herein, residential development in the Mid-Coast region is the primary cause of the severe traffic congestion on Mid-Coast Highways 1 and 92. Any increase in the potential level of buildout in the region will lead to even greater demands on infrastructure that cannot support existing buildout or buildout of the existing supply of legal lots in the region. Because there are no alternative access routes to and along the coastline in this area of the coast, the extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies. Consequently, the applicant's proposal to create new lots for residential development, adding to this supply of existing legal lots in Half Moon Bay, will result in significant adverse cumulative impacts to regional traffic congestion and the public's ability to access the coast in conflict with the Half Moon Bay LCP. Special Condition 7 specifically addresses these impacts by preventing any increase in the development potential of legal lots for residential development. Therefore, the Commission finds that a clear nexus exists between the nature of the requirements of Special Condition 7 and the nature of the significant adverse cumulative impacts to regional traffic and coastal access caused by the proposed residential development.

The Commission further finds that the mitigation requirements of Special Condition 7 is also roughly proportional to the significant adverse cumulative traffic and coastal access impacts attributable to the proposed residential development. The applicant proposes to subdivide two existing legal lots into 134 lots for residential development and one open space parcel. In accordance with Special Condition 1 concerning protection of environmentally sensitive habitat, the Commission has reduced the number of new lots for residential development that are permitted to 126. Because prior to the proposed subdivision, the project site consists of two legal lots, the project as conditioned would result in a net increase of 124 legal lots. Special Condition 7 requires the retirement of the development rights of 124 existing legal lots to offset the net increase of 124 legal lots for residential development. The Commission finds that the 1:1 ratio of lots created to lots in which development rights are retired clearly establishes that the degree of the mitigation is roughly proportional to the degree of the impact.

2.3.11 Conclusion

Current traffic volumes in numerous bottleneck sections of both highways within the City and in the broader county region exceed maximum capacity with a v/c ratio worse than LOS F. The CTPAR, which represents the most comprehensive regional transportation study undertaken for the area, finds that even with the maximum level of investment in transit and highway improvements, congestion in the Mid-Coast region of the County will continue to increase over the next decade. The resulting traffic volumes on both Highways 1 and 92 will greatly exceed the capacity of these roadways. The proposed development will significantly contribute to the existing traffic congestion, adversely impacting the public's ability to access the coast for priority uses such as public access and recreation.

The LUP contains several policies that require new development to be served by adequate road facilities to serve priority uses such as public access and recreation, including Policies 9-2, 9-4, 10-4, and 10-25. These LCP policies carry out the requirements of Coastal Act Sections 30250(a) and 30252, which the City has adopted as guiding policies to the LCP. Section 30250(a) requires that new development be located in areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal

resources. Section 30252 states that the amount and location of new development should maintain and enhance public access to the coast. LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted. The proposed subdivision would create additional demand on area highways for a non-priority use far in excess of their current and future capacity.

To offset the impacts of the proposed development to regional cumulative traffic congestion on the area's two major coastal access routes, the Commission imposes Special Condition 7. Special Condition 7 will offset the impacts of the regional traffic impacts of the proposed development by preventing a net increase in the potential level of buildout of residential development in the region because buildout potential must be retired on the same number of lots proposed to be created, thereby eliminating the number of vehicular trips associated with the buildout potential eliminated. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with LUP Policies 9-2, 9-4, 10-4, and 10-25 and with Coastal Act Sections 30210, 30250(a), and 30252.

2.4 Project Site Access

Terrace Avenue may be used for construction access and for access to the first 40 residences. Permanent access to the site shall be provided by the construction of either Bayview Drive or Foothill Boulevard.

2.4.1 Issue Summary

Both the LCP and the City's General Plan Circulation Element contemplate the future construction of Foothill Boulevard and/or Bayview Drive access to provide street access to the project site. Neither of these roads have been constructed and the applicant cannot assure at this time that construction of either of these streets will ever occur. Therefore, the applicant proposes temporary access to the site for construction vehicles and to serve the first 40 residences via Terrace Avenue, an existing street that dead-ends at the west side of project site. As a part of this proposal, the applicant will provide funding for the installation of a traffic signal at the Terrace Avenue/Highway 1 intersection and for widening 400 feet of the highway to either side of this intersection.

The residents of the existing neighborhood along Terrace Avenue are concerned that the additional traffic from the Pacific Ridge Development will exceed the design capacity of this street and will create a safety hazard.

2.4.2 LCP Standards

LUP Policy 9-2 specifies that no permit for development shall be issued unless a finding is made that such development will be served upon completion by adequate road facilities. LUP Policy 9-4 states that (1) all new development shall be accessed from a public street or have access over private streets to a public street, (2) development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the

density otherwise allowed under the LUP, (3) that the applicant shall assume full responsibility for the costs for service extensions or such share as shall be provided through an improvement or assessment district for required service extensions, and (4) that prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services will be available to serve the proposed development upon its completion. These policies are implemented by Zoning Code Section 18.20.070, which states in relevant part:

> ***18.20.070 Findings Required.*** *A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:*
>
> …
>
> ***D. Adequate Services.*** *Evidence has been submitted with the permit application that the development will be provided with adequate services and infrastructure at the time of occupancy in manner that is consistent with the Local Coastal Program…*

LUP Policy 9.3.7(f) requires construction of the portion of Foothill Boulevard located within the PUD area as a part of the development.

2.4.3 Discussion

The project site is located approximately 3,300 feet north of Highway 92 and approximately 2,000 feet inland of Highway 1, and is separated from these highways by both developed and undeveloped areas. Terrace Avenue, which currently serves the Grandview Terrace neighborhood with a connection to Highway 1 to the west, is the only existing road connection to the project site. The LUP Map shows proposed future access to the site via Foothill Boulevard, which would run north from Highway 92 linking with the project site and with existing roadways. According to City planning staff, the currently preferred alternative access road to the development is Bayview Drive. Each of the alternative roadway connections to the project site are shown on Exhibits 2 and 3.

Foothill Boulevard

The Circulation Element of the City's General Plan shows Foothill Boulevard as a planned route to serve the neighborhoods to the north of Highway 92 and inland of Highway 1, including the Pacific Ridge Development site. Pursuant to this plan, Foothill would be designed as a four-lane arterial street with a median, bicycle lanes, and sidewalks. The Circulation Element defines arterial streets such as this as "Limited Access Facilities" designed to carry traffic from collector streets and to and from other parts of the City. The design criteria for Limited Access Facilities specify that direct access to abutting property shall be minimized. In accordance with this design criterion, LUP Policy 9.3.7(f) prohibits direct driveway access from lots within the Pacific Ridge Development to Foothill, and LUP Policy 10-31 requires developers of property along the planned alignment of Foothill Boulevard to participate in an assessment district to provide funding necessary to construct this roadway.

The project was initially designed with the primary access via Foothill Boulevard as specified in the LCP. However, the environmental review process undertaken for the City's approval revealed that the proposed alignment of Foothill Boulevard would encroach into wetlands. The City of Half Moon Bay LCP prohibits construction of roads within 100 feet of a wetland. According to a preliminary biological study conducted for the Draft EIR prepared for the City

for the proposed construction of Foothill Boulevard, it is possible that Foothill can be realigned to avoid wetlands. However, no final environmental review has been certified for this proposed new alignment.

The applicant, the appellants, and City staff have all indicated that the Half Moon Bay community supports the deletion of Foothill Boulevard from the Circulation Element of the City's General Plan as approved in 1992. Consistent with this preference, the Planning Commission recommended revisions to the 1992 Circulation Element that include elimination of Foothill Boulevard in draft circulation element revisions considered in September 1999. These draft revisions have not been finalized or approved by either the City or the Coastal Commission and are therefore not effective at this time. Nevertheless, while they are not a part of the legal standard of review for the proposed project, the information contained in the draft revisions is relevant background for the Commission's consideration of this permit application.

Because of the outstanding issues concerning wetlands and the potential that the City may revise its General Plan and LCP to eliminate Foothill Boulevard, the applicant amended the original project plans to include only the portion of Foothill located within the project site with no connection to Highway 92 to the south. For purposes of the proposed project, Foothill would therefore serve as a residential street only, not as an arterial street. Nevertheless, the applicant has proposed to construct this portion of Foothill consistent with the design criteria specified for arterial streets, with no direct driveway access to any of the proposed lots. While only two lanes are proposed at this time, the project plans provide an 80-foot right-of-way sufficient to provide four lanes on this portion of Foothill consistent with the design contemplated in the 1992 Circulation Element and the certified LCP.

Bayview Drive

Although not proposed as part of this coastal development application, Bayview Drive is a street contemplated in association with the Beachwood subdivision project site directly west of the Pacific Ridge property. Bayview Drive could potentially connect the Pacific Ridge site to Highway 1 to the north of Terrace Avenue through the Beachwood property. The applicant proposes to use Bayview Drive if constructed as the primary access road to the development from Highway 1. However, the proposed alignment of Bayview Drive is located on property that is not within the applicant's control. Moreover, there is no approved coastal development permit for the construction of Bayview Drive. Thus, the applicant cannot guarantee that the proposed development will be served in the future by Bayview Drive.

Terrace Avenue

Since the applicant cannot construct either Foothill Boulevard or Bayview Drive at this time, the sole access proposed to the Pacific Ridge Development is Terrace Avenue. Terrace Avenue is an existing road running east from Highway 1 to a dead end that abuts the western boundary of the Pacific Ridge property. The applicant proposes to provide both construction and post-construction access to the site via Terrace Avenue, connecting the project site to Highway 1 to the west.

Residents of the Grandview Terrace neighborhood are concerned that the additional traffic generated by the proposed development will exceed the capacity of Terrace Avenue, resulting in both congestion and safety hazards.

The unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to delays caused by left turn movements from Terrace to southbound Highway 1. The applicant proposes to minimize the impacts of construction traffic to local traffic circulation by avoiding peak hour trips and through the following additional measures:

- Construction equipment and worker vehicles will be staged and parked on the project site.
- The applicant will notify the City 24 hours in advance if more than 25 worker vehicles are to exit the site during the PM peak-hour, and reimburse the City for the cost of any resulting traffic controls at the intersection of Terrace Avenue and Highway 1.
- The applicant will maintain Terrace Avenue free of dirt and debris throughout project construction.
- Heavy construction vehicles will access the site during non-peak hours.
- The applicant will install speed bumps on Terrace Avenue.

As stated above, the completed development will generate 156 new trips during the PM peak-hour and 144 new trips during the Saturday noon peak-hour. The applicant proposes to mitigate the post-construction traffic impacts by:

- providing approximately $1 million to the City towards the Highway 1 improvements described in Section 2.3.3 above,
- installing a traffic signal at the Terrace Avenue/Highway 1 intersection at such time that Caltrans determines that the "signal warrants" are met[5],
- widening Highway 1 for a distance of 400 feet on either side of the Highway 1/Terrace Avenue intersection to provide an additional northbound lane prior to occupancy of the residences, and
- at such time that an alternative access to the site is constructed in the future (i.e., Bayview Drive), the applicant proposes to remove the traffic signal at Terrace Avenue and convert Terrace to an emergency vehicle only access with knockdown barriers at the entrance to the project site.

The applicant's transportation consultant has determined that these measures would improve the operation of the Highway 1/Terrace Avenue intersection from the current LOS F to LOS A (Fehr & Peers 2000b). These measures would substantially contribute toward the completion of the City's proposed $3 million Highway 1 improvement plan.

Although the proposed signalization would improve left turn movements into and out of Terrace Avenue, it would interrupt flow of through traffic on Highway 1. The distance between the currently signalized North Main Street/Highway 1 intersection and Terrace is approximately 1,000 feet. Spacing signalized intersections on Highway 1 this close could increase congestion on the highway because of insufficient "stacking" space on the highway. Better intersection spacing would be accomplished through the provision of Bayview Drive, located approximately 2,000 feet to the north of Terrace, as the consolidated signalized intersection north of North Main Street. Both the City's existing General Plan Circulation Element and the proposed revised Circulation Element show Bayview Drive as an arterial street with a signalized intersection at

[5] A signal warrant is granted by Caltrans upon a determination that the signal is needed at the intersection.

Highway 1, and both plans show Terrace Avenue as a neighborhood street without a traffic signal.

The applicant addresses this issue by proposing to remove the signal at Terrace at such time that Bayview Drive is constructed. However, as discussed above, the applicant does not possess the property rights necessary to construct Bayview. In addition, the City has neither conducted the environmental review nor granted the permits necessary for the construction of Bayview, the Highway 1 improvement project, or the signalization of the Terrace Avenue intersection. Thus, the feasibility of each of these proposed mitigation measures remains in question at this time. **Therefore, the applicant specifies in the project description that only the first 40 homes will be served by Terrace Avenue.**

For these reasons, the Commission finds it necessary to impose Special Condition 11. Special Condition 11 specifies, consistent with the terms of the project description, that:

- Permanent access to the development shall be provided by the future construction of either Bayview Drive or Foothill Boulevard;
- The applicant shall pay its fare share for signalization and associated highway intersection lane improvements for the selected permanent access road;
- Until such time that a permanent access road is constructed, Terrace Avenue may be used for construction and to serve the first 40 homes that are constructed; and
- Following the construction of a permanent access road, all residential traffic shall be routed to the permanent access road and Terrace Avenue will be restricted for emergency vehicle access and for access to the public trailhead parking area only.

2.4.4 Conclusion

The applicant proposes to provide the improvements to the Terrace Avenue/Highway 1 intersection and widening of Highway 1 that are necessary to serve the development prior to occupancy of the homes. Although this commitment attempts to address the requirements of the LCP, it does not fully satisfy LUP Policies 9-2 and 9-4 or Zoning Code Section 18.20.070.D. These policies require that in order to approve or conditionally approve the permit application, the Commission must first find that evidence has been submitted with the permit application that demonstrates that the development will be served with adequate road facilities at the time of occupancy in manner that is consistent with the Local Coastal Program. The Commission interprets this requirement to mean that evidence provided with the permit application must provide assurance that the required infrastructure will actually be available to serve the proposed development. This interpretation is supported by the language used in LUP Policies 9-2 and 9-4, which both require services to be available "upon completion" of the development. The use of the term "prior to occupancy" in the Zoning Code's implementation of these policies is intended to provide a deadline by which the improvements must be completed. However, this deadline does not eliminate the additional requirement that development actually demonstrate that the required infrastructure will actually be available to serve it before the development is approved. The Commission needs more than the applicant's commitment that the project will not be occupied until services are available. In this case, where the availability of adequate services for

the development is contingent on future improvements, the Commission must have reasonable assurances that the service improvements are feasible and will be approved and constructed.

Given these factors, the permit application does not provide sufficient assurances that the improvements to Terrace Avenue and Highway 1 or permanent access along Bayview or Foothill will be constructed. Therefore, consistent with the applicant's project description, the Commission imposes Special Condition 11 restricting the use of Terrace Avenue to construction access and to serve the first 40 residences. As conditioned, the Commission finds that the proposed development meets the requirements of LUP Policies 9-2 and 9-4 and Zoning Code Section 18.20.070.D.

2.5 Biological Report

Although the applicant has not provided a Biological Report that fully describes and maps all sensitive resource areas on and within 200 feet of the project site, the record has been supplemented with biological information concerning the biological resources present on and adjacent to the project site sufficient to evaluate the potential impacts of the proposed development consistent with the requirements of the LCP.

2.5.1 Issue Summary

The project site contains environmentally sensitive habitat areas (ESHA) as defined in the LCP including wetlands, riparian areas and sensitive habitat areas. The site is located within an area mapped as a Significant Natural Area by the California Department of Fish and Game. This designation is intended to identify high-priority sites for the conservation of the State's biological diversity.

The LCP contains specific standards for the type of biological information required to be provided for coastal development permit applications for development with potential adverse impacts to environmentally sensitive areas. This information is vital to the determination of whether a proposed development conforms to the biological resource protection policies of the LCP.

2.5.2 LCP Standards

LUP Policy 3-5(a) requires all coastal development permit applicants proposing development in and adjacent to sensitive habitat areas to prepare a biological report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. Zoning Code Section 18.38.035.A further specifies that a biological report shall be completed as a part of any permit application for development within 100 feet of any sensitive habitat area, riparian corridor, or wetland. Both of these policies, along with Zoning Code Section 18.38.030, specify the procedures for the preparation and the required contents of such a report, which include[6]:

- describe and map existing sensitive habitats, riparian areas, and wetlands located on or within 200 feet of the project site,

[6]The full text of these zoning code provisions, which contain additional requirements to those listed here, is contained in Appendix A.

- for areas containing rare and endangered species habitat, define the specific requirements of the species including (for animals) predation, foraging, breeding, migration, water, nesting or denning sites, and (for plants) life histories, soil, climate, and geographic requirements,
- be prepared by a qualified biological consultant selected by the City and paid for by the applicant,

2.5.3 Description of Biological Resource Reports for the Project Site

The biological information collected for the project site is contained in the following documents:

July 1986 Biological Inventory and Sensitivity Analysis prepared for Ailanto Properties by Western Ecological Services Company (WESCO 1986)

The WESCO 1986 biological inventory identified some, but not all of the wetland areas presently delineated on the site, identified coastal scrub habitat in the uncultivated/plowed eastern portion of the site, and documented the presence of sensitive species including: a pair of red tailed hawks, a nesting great horned owl, and migrating waterfowl. The WESCO report states that the site contains suitable habitat, including a former irrigation pond, for several threatened and endangered species, including the San Francisco garter snake, the red-legged frog, California tiger salamander, and western pond turtle. The WESCO biological inventory included an April 1986 survey for San Francisco garter snakes. This survey was conducted by walking transect lines. Live trapping was not used for this survey. The report concludes that because "Site examination in the spring of 1986 and summer of 1987 revealed no rare or endangered plants or wildlife on the Dykstra Ranch property, it can be assumed that the proposed development would have no direct impact on rare and endangered species." The Environmental Impact Report (EIR) also states that suitable habitat for a number of sensitive species may have occurred on the site prior to 1985, but that cultivation had eliminated the natural vegetation that would have constituted sensitive species habitat.

April 1990 Final EIR for the Dykstra Ranch Development prepared for the City by Western Ecological Services Company (HMB 1990);

The biological information contained in the project EIR is primarily based on the WESCO 1986 biological inventory prepared for the applicant. The EIR references the survey conducted by the consultant in April 1986 to determine the presence or absence of the San Francisco garter snake on the site. As stated above, this survey did not include live trapping. As with the WESCO 1986 inventory, the EIR states that no other species for which the site provides suitable habitat were found but does not describe the survey techniques used to make this determination.

December 1997 Wetland Mitigation and Monitoring Plan prepared for Ailanto Properties by Resource Management International (RMI 1997)

The wetland delineation conducted by RMI in June 1997 did not accurately describe the full extent of wetlands on the site in accordance with the definition of wetlands contained in the Half Moon Bay LCP. The wetland delineation was subsequently revised to conform to the LCP definition as discussed below.

The RMI mitigation and monitoring plan states that based on information provided in the project EIR and field surveys conducted by RMI in June 1997, no special status plant species have been identified on the site. The RMI report also states that no protected wildlife species have been documented on the site. This conclusion is based on the surveys conducted by WESCO in 1986

and 1987, and on surveys conducted by RMI in July and August 1997 for California red-legged frogs.

November 1998 U.S. Fish and Wildlife Service formal consultation to the U.S. Army Corps of Engineers (USFWS 1998)

The project, as originally proposed, included approximately one acre of wetland fill and therefore required a fill permit from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. In March 1998, the Corps initiated formal consultation with the U.S. Fish and Wildlife Service (USFWS) concerning potential impacts resulting from the proposed development to the federally endangered San Francisco garter snake and threatened California red-legged frog. Consequently, the USFWS prepared a Biological Opinion for the Corps, in accordance with Section 7 of the Endangered Species Act. The Biological Opinion was based on information provided in the 1987 RMI site assessment and surveys and corresponding mitigation and monitoring plan, correspondence exchanged between the applicant's consultants and USFWS staff, and a site visit by USFWS staff and the applicant's representatives. USFWS states in the opinion that no Biological Assessment was provided for the project.[7]

The Biological Opinion determined that the project site provides suitable habitat for California red-legged frogs and has potential habitat for San Francisco garter snakes. This determination was based on the presence of vegetated water bodies on the site, including the stock pond, the widespread distribution of California red-legged frogs in the area, and evidence that San Francisco garter snakes are potentially present at any water body in the Half Moon Bay area that supports emergent vegetation and amphibians. The Biological Opinion was inconclusive concerning the presence or absence on the site of either of these species, and recommended pre-construction surveys for both species prior to any development. The USFWS also recommended that no development including grading should occur within 150 feet of the pond.

June 1999 Biological Resources Report prepared for Ailanto Properties by LSA Associates (LSA 1999a)

Following the appeal of the City's approval of the project to the Commission, LSA Associates prepared a revised wetland delineation for the applicant. Although this new delineation depicted wetland areas in addition to those previously identified in the 1997 RMI delineation, it did not accurately show the full extent of wetland habitat on the site as defined under the LCP. The report states that no California red-legged frogs or San Francisco garter snakes were observed on the site during the 1986 WESCO surveys. LSA did not undertake new surveys for these species in preparing this biological report.

November 1999 Wetland Delineation prepared for Ailanto Properties by LSA Associates (LSA 1999b)

In response to Commission staff comments concerning the June 1999 wetland delineation, LSA prepared a revised delineation of wetland habitat on the site dated November 4, 1999. The Commission's staff biologist reviewed this delineation with the applicant's consultant in the field and verified that it accurately depicted all of the wetland areas on the site in accordance with the

[7] A Biological Assessment is an evaluation of potential project impacts provided by the federal permitting agency to the USFWS for the preparation of a Biological Opinion in accordance with 50 CFR § 402.12.

definition of wetlands contained in the LCP. Like the June 1999 delineation, this wetland study did not involve wildlife surveys.

August 2000 California Red-Legged Frog Survey prepared for Ailanto Properties by LSA Associates (LSA 2000)

In response to the June 22, 2000 staff recommendation for denial of the proposed project, LSA conducted a new survey for California red-legged frogs on August 3 and 10, 2000. The survey report identifies the potential habitat areas surveyed as: "a wetland area dominated by cattails in the northwest corner of the site; a stock pond, also in the northwest corner of the site; and an outlet channel that flows from the north end of the stockpond [sic]." Although the survey report does not include a map, it appears from this description that the areas surveyed include the Pond, Wetland A, and Stream 5 as shown in Exhibit 9. It does not appear that the other wetlands and riparian areas identified on the site were included in the areas surveyed. The survey report states that "Three drainages also cross the site from east to west. All three drainages were dry at the time of the survey and did not provide habitat for red-legged frogs." This survey did not document the presence of red-legged frogs in the areas surveyed. The survey did document the presence of bullfrogs on the project site.

January 15, 2001 California Red-Legged Frog and San Francisco Garter Snake Habitat Assessment and Constraints Analysis prepared for Ailanto Properties by Peter Balfour (Balfour 2001)

On January 4, 2001, Peter Balfour conducted an assessment of likely or potential habitat for the California red-legged frog and San Francisco garter snake. Balfour also reviewed both published and unpublished observations of both species in the regional and local area and previous biological assessments of the project site. Based on his review of these documents and his field observations, Balfour prepared a report with recommendations for modifications to the project and mitigation measures. Balfour's findings and recommendations are summarized below.

Concerning the California red-legged frog, Balfour finds that the former agricultural pond and associated drainages and uplands provide potential habitat for both of these species, stating:

> *The most significant perennial wetland feature on the property is the site's stock pond. The pond and its adjacent wetland and upland areas represent potential habitat for the CRLF and, perhaps, the SFGS.*

Balfour reports that while the presence of bullfrogs and predatory fishes in the pond is not favorable for red-legged frogs, neither does it render the habitat useless for the species, stating:

> *[Bullfrogs and California red-legged frogs] can and often do co-occur in coastal waters (Gary Fellers pers. com). …Irrespective of less than optimal conditions and survey findings, the periodic use of the pond by CRLF is considered likely and as such the pond should be considered to represent potential breeding habitat.*

Balfour's report also supports the determination of the U.S. Fish and Wildlife Service (as further discussed in Section **Error! Reference source not found.**) that the failure to specifically document the presence of the CRLF on the project site is not dispositive:

> *While no CRLF were observed on site, it is possible that they were present in low numbers and not encountered and/or that they may use the pond to breed on occasion.*

With respect to the San Francisco garter snake, the Balfour found that while the presence of the snake on the site is less likely than is the presence of the CRLF:

> *The stock pond within the property and the off-site ponds to the north all support both emergent vegetation and an established amphibian food base (e.g., small bullfrogs and Pacific tree frogs), and as such meet the USFWS criteria for a potential [San Francisco garter snake] habitat determination.*

Based on his findings, Balfour recommends the following measures to minimize the impacts of the proposed development to the CRLF and the SFGS:

- *The stock pond, its associated drainages/wetlands, and contributing watershed mapped on Figure 5 are recommended for complete avoidance of residential development and associated infrastructure. Wetlands A and F and the intervening upland area west of the stock pond are, similarly, recommended for avoidance…*
- *The proposed development area southwest of the pond should be situated at least 150-feet away from the mapped pond edge so as not to encroach on the pond's watershed.*
- *…grading in the development area north of the lower drainage #3 be contoured to drain away from the pond, to reduce the potential for siltation and watershed alteration.*
- *I support an appropriately-timed eradication effort to eliminate introduced fishes from the stock pond.*
- *Biennial (once every two years) bullfrog eradication, in conjunction with a monitoring program (for a period of ten years), …*
- *Finally, I recommend against the proposed re-establishment of the normal high water level of the pond (LSA 1999b), as it would likely favor the persistence of bullfrogs by increasing bullfrog breeding success. Head-cutting erosion at the pond outflow into drainage #5 should be monitored and if deemed to represent a threat to the longevity of the pond, appropriate erosion control measures should be implemented to insure that the pond is not undermined over the course of time.*

2.5.4 Discussion

The applicant has substantially revised the project plans from those approved by the City to address concerns expressed by the Commission during the December 2000 hearing that the project would significantly and adversely affect environmentally sensitive habitat areas. However, in previous correspondence, the applicant has contended that because none of the studies of the site have affirmatively documented the presence of either the San Francisco garter snake or the California red-legged frog, no threatened or endangered species are on the site. In a May 4, 2000 letter to the Commission, the applicant's legal counsel states:

> *There are no threatened or endangered species on the Project site, including the red-legged frog or the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other surveys for the EIR, wetland delineations, and or other habitat assessments.* (Shimko 2000)

While it is true that neither species has been observed on the project site, wildlife experts at the U.S. Fish and Wildlife Service and one of the applicant's biological consultants found that the species are likely present on the site.

The only survey of the site conducted for the San Francisco garter snake was conducted for the 1986 WESCO biological inventory prepared for the applicant. The WESCO report states that all suitable habitats were surveyed by walking transect lines only, and that live trapping was not used for the survey.

The WESCO report contains no description of the survey techniques used to support the conclusion that the California red-legged frog, California tiger salamander, and western pond turtle were absent from the site. Therefore, the Commission is unable to verify absence or presence of the sensitive species based on the information contained in the 1986 WESCO report, and finds that this report is too out of date to reliably describe the current biological resources of the project site consistent with the requirements of the LCP.

The U.S. Fish and Wildlife Service Biological Opinion determined that the project site provides suitable habitat for California red-legged frogs and has potential habitat for San Francisco garter snakes. Staff of the U.S. Fish and Wildlife Service indicates that documenting the presence of this species is extremely difficult to detect and that a simple transect survey is not sufficient to document the presence or absence of the snake (pers. com. Larson 6/16/00). Both the San Francisco garter snake and the California red-legged frog are extremely rare and shy and quickly seek cover when approached. This position is supported by the findings contained in Balfour's January 15, 2001 report, as cited above.

Zoning Code Section 18.38.055.B.3 provides that the information and analysis contained in an EIR prepared under California Environmental Quality Act may be accepted in lieu of a separate biological report for a coastal development permit application if the EIR adequately meets the requirements of the LCP and the Final EIR was accepted as complete and adequate no more than one year prior to the date of submittal of the permit application. Ailanto submitted its permit application to the City in 1998, eight years after certification of the final EIR. The biological information contained in the project EIR is thirteen to fourteen years old and is therefore too out of date to reliably describe the resources currently located on the site.

Zoning Code Section 18.38.035.B.1 specifies that the Biological Report required for a coastal development permit application must describe and map all wetlands, riparian areas, and other sensitive habitat areas located on or within 200 feet of the project site. Although this requirement is not fully satisfied by the biological reports submitted by the applicant, the U.S. Fish and Wildlife Service Biological Opinion, and the January 15, 2001 Balfour report consider the relationship between habitat present within the project site and adjacent habitat areas.

2.5.5 Conclusion

Most of the information concerning biological resources for the project is out of date. In fact, the only survey for San Francisco garter snakes conducted on the site is fourteen years old, and this survey did not employ techniques necessary to determine the presence or absence of this species. Moreover, both the San Francisco garter snake and the California red-legged frog are secretive species. The USFWS does not therefore find failure to document presence of these species is determinative. The California red-legged frog is very common in suitable aquatic habitat areas

in Half Moon Bay, and it is therefore highly likely that the species is present at the project site. The presence or absence on the site of these protected species has not been determined.

The applicant has not provided a biological report that meets the specific requirements of Zoning Code Sections 18.38.030 and 18.38.035. However, with the U.S. Fish and Wildlife Service Biological Opinion and Peter Balfour's California Red-Legged Frog and San Francisco Garter Snake Habitat Assessment and Constraints Analysis, the Commission finds that sufficient information concerning the biological resources present on and adjacent to the project site is available to evaluate the potential impacts of the proposed development. Therefore, the Commission finds that the proposed development is consistent with the LCP requirements to prepare a biological report.

2.6 San Francisco Garter Snake and California Red-Legged Frog Habitat

As conditioned, the proposed development is consistent with the LCP policies concerning the protection of environmentally sensitive habitat areas.

2.6.1 Issue Summary

The U.S. Fish and Wildlife Service has determined through a formal consultation to the U.S. Army Corps of Engineers that the pond and riparian areas on the site provide important habitat for the threatened California red-legged frog and the endangered San Francisco garter snake (USFWS 1998). In addition, two large ponds to the north of the site provide suitable habitat for these two species.

The applicant has revised the project plans since the time that the USFWS prepared the Biological Opinion in an attempt to respond to Commission and USFWS concerns regarding habitat impacts. These changes include the elimination of the proposed wetland fill and reconfiguration of the plot plan to provide a minimum 150-foot buffer between the proposed lot lines and the pond. Riparian buffers remain 30 feet wide. In addition, the applicant has revised the project plans to eliminate the subdivision loop road separating the pond on site from the ponds to the north as well as most of the development previously proposed to the north of Stream 3, and grade the developed areas north of Stream 3 to direct drainage away from the pond to reduce siltation. As discussed in Section **Error! Reference source not found.**, the applicant proposes to construct arched culverts for all stream crossings to avoid direct disturbance to the streambeds. The applicant also proposes to implement a predator eradication program to control bullfrogs and introduced fishes in the pond, which may prey on red-legged frogs and juvenile San Francisco garter snakes.

Although these proposed mitigation measures would reduce some of the significant adverse impacts of the project to biological resources on the site, they are not sufficient to bring the development into conformance with all of the LCP policies concerning protection of sensitive habitat and species. The primary remaining issues are that the project does not provide adequate wetland and riparian buffers or specific habitat management and preservation measures to ensure the long-term protection of habitat that is suitable for the San Francisco garter snake and the California red-legged frog on and adjacent to the project site.

2.6.2 LCP Standards

The LCP contains several policies pertinent to protection of threatened and endangered species habitat, including both general ESHA policies and specific policies for both the California red-

legged frog and the San Francisco garter snake, including LUP Policies 3-3, 3-4, 3-24, and 3-25 and Zoning Code Sections 18.38.085 and 18.38.090. These policies require that the habitats of both the San Francisco garter snake and the California red-legged frog are given the highest level of protection.

Sensitive habitat is defined by LUP Policy 3-1 as any area in which plant or animal life or their habitats are either rare or especially valuable and specifically includes habitats containing or supporting "rare or endangered" species as defined by the State Fish and Game Commission.

LUP Policy 3-22 and Zoning Code Sections 18.38.085.B and 18.38.090.B, limits permitted uses in habitat areas of the San Francisco garter snake and the California red-legged frog to (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitats, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and requires that development adjacent to such areas shall be sited and designed to prevent impacts that could significantly degrade the habitat. LUP Policy 3-4 permits only resource dependent or other uses which will not result in significant adverse impacts to sensitive habitats, and requires that permitted uses in such areas comply with USFWS and California Department of Fish and Game requirements.

LUP Policy 3-4 specifies that only resource-dependent or other uses that will not have a significant adverse impact are permitted in sensitive habitat areas. This policy is based on Coastal Act Section 30240, which is incorporated as a guiding policy of the LUP. LUP/Coastal Act Policy 30240 provides that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, and that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As discussed in Section 2.8 below, the LCP also contains policies specifying widths for wetland and riparian buffers. The proposed project plans conform to these minimum setbacks. However, nothing in the LCP limits the ability of the City or the Commission on appeal to require wider riparian and/or wetland buffers than the minimum distances specified when necessary to meet the requirements of other resource protection policies of the LCP described in the preceding paragraph. As further discussed below, the minimum setback distance proposed by the applicant are insufficient to provide the protections required by all of the above cited policies for the habitat of the San Francisco garter snake and the California red-legged frog.

2.6.3 Discussion

California red-legged frogs

California red-legged frogs have been extirpated or nearly extirpated from over 70 percent of their former range and are federally listed as threatened. Habitat loss, competition with and direct predation by exotic species, and encroachment of development are the primary causes for the decline of this species throughout its range. The remaining populations are primarily in central coastal California and are found in aquatic areas that support substantial riparian and aquatic vegetation and lack non-native predators. The project site is located within the Central

Coast Range Recovery Unit for the California red-legged frog as defined in the federal listing for this species.

San Francisco garter snake

The San Francisco garter snake is a federal and state listed endangered species. The San Francisco garter snake's preferred habitat is densely vegetated ponds near open hillsides where it can sun itself, feed, and find cover in rodent burrows. The species is extremely shy, difficult to locate and capture, and quick to flee to water when disturbed. On the coast, the snake hibernates during winter in rodent burrows, and may spend the majority of the day during the active season in the same burrows.

California red-legged frogs are an essential prey species to the San Francisco garter snake, and the snakes have not been found in areas where red-legged frogs are absent. In addition, newborn and juvenile San Francisco garter snakes depend heavily on Pacific tree frogs. Adult snakes may also feed on juvenile bullfrogs. The decline of this species is due principally to habitat loss, the loss of red-legged frog, illegal collection, and the introduction of bullfrogs. Adult bullfrogs prey on both San Francisco garter snakes and California red-legged frogs.

Project Impacts

On September 11, 2000, the USFWS published a proposed rule in the Federal Register designating critical habitat for the California red-legged frog (USFWS 2000). The proposed rule defines critical habitat for the red-legged frog as areas that:

> *include two (or more) suitable breeding locations, a permanent water source, associated uplands surrounding these waterbodies up to 150 m (500 ft) from the water's edge, all within 2 km (1.25 miles) of one another and connected by barrier-free dispersal habitat that is at least 150 m (500 ft) in width. When these elements are all present, all other suitable aquatic habitat within 2 km (1.25 miles), and free of dispersal barriers, is also considered critical habitat.*

The pond on the project site and two ponds to the north of the property boundary are considered by USFWS to be potential breeding habitat for the red-legged frog. These three ponds are well fed by numerous drainages from the large, undeveloped watershed to the east and by seeps and springs, and contain water throughout the year. The ponds are all located well within 1.25 miles of each other, and are connected by barrier-free dispersal habitat that is more than 500 feet wide. Thus, under the proposed rule, it appears that the ponds and all suitable aquatic habitat within 1.25 miles that is free of dispersal barriers may be critical habitat for the red-legged frog.

The USFWS determined in its Biological Opinion for the project that the development proposed within 300 feet of both sides of the several unnamed drainages (Streams 3, 4, and 5) and two ponds on the site will result in the direct loss of riparian and upland habitat suitable for the California red-legged frog and the San Francisco garter snake (USFWS 1998). This determination of habitat loss was due to insufficient buffer distances between the riparian corridors and the pond on the site, which would inhibit dispersal of both species between adjacent aquatic and upland habitat areas. In addition to interfering with dispersal corridors, the USFWS found that the proposed development would reduce the quality of the surrounding habitat as foraging and breeding habitat. The loop road originally proposed along the northern side of the property would separate the aquatic habitat on the site and the ponds to the north and would further interfere with species movement. Although the Biological Opinion requires a

minimum buffer around the pond and other wetland areas of 150 feet, it also states that development within 300 feet of these areas will result in adverse impacts to the species including incidental take due to direct loss of habitat (USFWS 1998).

As discussed in Section in this section and in Section 2.8 below, the applicant originally proposed to provide only the minimum wetland and riparian buffers required by some of the policies of the LCP. The buffers originally proposed were 100 feet around the pond and other wetlands on the site, 30 feet from the limit of riparian vegetation to either side of the upper portion of Stream 3 and Stream 5, and 30 feet from the centerline of the lower portion of Stream 3 and from Stream 4. The applicant later revised the plans to provide a 150-foot buffer from the pond and to eliminate the development proposed adjacent to Stream 4. Even with these revisions, the proposed buffer distances fall short of the distances that the USFWS has indicated are necessary to avoid significant impacts to the San Francisco garter snake and the California red-legged frog.

In response to the discussion of these issues in the April 27, 2000 Issues Summary Report for this permit application, the applicant states in a letter to the Commission dated May 4, 2000:

- The 150-foot buffer recommended in the Biological Opinion is moot because the project plans have been substantially modified since the opinion was written.
- USFWS is pleased with the current project plan.
- There are no threatened or endangered species on the project site, including the California red-legged frog and the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other surveys for the EIR, wetland delineations, and or other habitat assessments.

As discussed above, the August 2000 red-legged frog survey documented the presence of bullfrogs on the project site (LSA 2000). According to the applicant, the pond also contains introduced fishes (Foreman 2000). Predation by introduced fishes is one of the factors contributing to the decline of the California red-legged frog (USFWS 2000). The applicant's biological consultant concludes that red-legged frogs are absent from the project site because of the presence of bullfrogs and introduced fishes, stating:

> *While California red-legged frogs can co-exist in rare instances with bullfrogs, the presence of two predator groups (bullfrogs and fish) virtually eliminates the potential for California red-legged frogs to regularly inhabit a site…*

The applicant's consultant further contends that the project site is a hazard to red-legged frogs and San Francisco garter snakes and not valuable habitat for these species, stating:

> *The on-site habitats are more of a hazard or "ecological sink" to both species rather than being especially valuable habitats. Any California red-legged frogs and San Francisco garter snakes which might reach the onsite habitats are likely to die (be eaten) or waste any reproductive effort because of high predation rates and competition from bullfrogs and non-native fish. Clearly, on-site habitats are not "valuable" to the species under current conditions.* (Foreman 2000)

Commission staff consulted with the USFWS concerning the applicant's contention that the presence of non-native predators renders the project site unsuitable and hazardous to California red-legged frogs and San Francisco garter snakes. According to USFWS Fish and Wildlife

Biologist Curtis McCasland, bullfrogs have a significant effect on the ability of a site to support California red-legged frogs where the habitat is degraded or constrained, but not in areas where habitat suitable for both species is abundant. The habitat is not degraded or constrained in the coastal region within which the project site is located. Coexistence of the two species been documented in several areas in the Mid-Coast region including Crystal Springs Reservoir and Pescadero State Park (pers. com. McCasland 11/14/00).

Commission staff discussed the potential impacts of the project, as it was proposed in June 2000, to the snakes and frogs in a telephone conferences with McCasland on June 19 and 21, 2000. McCasland responded to staff's inquiries as follows:

- Development within 300 feet of the pond and wetland areas and the riparian areas associated with these wetlands (i.e., the portion of Stream 3 above the diversion, and Streams 4 and 5) will result in significant adverse impacts to the San Francisco garter snake and California red-legged frog due to loss of suitable habitat. Protection of these species requires a 300-foot-wide buffer around the wetlands and the riparian areas.
- There is no biological basis for a 150-foot buffer. This distance was the result of negotiations with the applicant. A 150-foot buffer will result in loss of habitat suitable for both species.
- The portion of the loop road along the northern side of the development will interfere with the dispersal corridor between the wetland areas and the ponds offsite to the north, and this road could potentially result in the direct mortality of either of the species. A 300-foot buffer should be provided for Stream 5 from the outlet of the pond to the northern property boundary to minimize this potentially significant impact.
- Arched culverts will not allow adequate movement of the frogs and snakes within the riparian areas. All road crossings of Streams 3, 4 and 5 should be via elevated bridges to allow free movement of wildlife for the width of the corridors.
- Both the San Francisco garter snake and the California red-legged frog are secretive species. The USFWS does not find failure to document presence of these species exempts a project from the requirements of the Endangered Species Act. The California red-legged frog has been found in suitable aquatic habitat areas in Half Moon Bay. Therefore, it is highly likely that the species is present at the project site. Preservation of suitable habitat, such as that found on the project site, is critical to the recovery of both species.

January 2001 Project Revisions

The applicant submitted a report prepared by Peter Balfour dated January 15, 2001 containing recommendations for project revisions (Exhibit 17). The applicant submitted revised project plans on January 26, 2001 modifying the project to conform to Balfour's recommendations (Exhibits 14 and 15). The project revisions through January 26, 2001 eliminate the loop road around the pond and reduce the number of proposed lots north of Stream 3 from 66 to 33. This is accomplished by eliminating 11 lots altogether and shifting the remaining 22 lots to the south side of Stream 3. The applicant's revisions to the proposed project also delete the previous proposal to modify the pond and to pump water from the pond to irrigate the community garden. By eliminating the loop road, the revised plans also reduce the number of stream crossings from six to three. The January 2001 revisions to the project plans substantially reduce the potential impacts of the proposed development to environmentally sensitive habitat areas on the project

site. However, the Commission finds that even with these revisions, the proposed project will result in significant adverse impacts to the San Francisco garter snake and the California red-legged frog, in conflict with the policies of the LCP.

Both the San Francisco garter snake and the California red-legged frog depend on refuge areas upland from aquatic habitats like the pond (USFWS 1998). The snake prefers open hillsides where it can sun itself, feed and find cover in rodent burrows. The snake hibernates in rodent burrows during the winter, and it has been observed breeding at the entrance to these burrows shortly after emerging from hibernation. The snake is believed to spend the majority of each day during the active season in upland burrows. Adult California red-legged frogs also rely on upland habitat areas in association with aquatic habitat. The frogs seek upland sheltering areas including animal burrows. Access to such sheltering habitat is considered essential for the survival of this species within a watershed.

Pursuant to the U.S. Fish and Wildlife Service's 1998 Biological Opinion, any development within 300 feet of the stock pond will result in the direct loss of habitat for the snake and frog. Thus, in accordance with Half Moon Bay LCP Policies 3-1, 3-3, and 3-4, as well as Coastal Act Section 30240, which has been incorporated into the Half Moon Bay LCP, the slopes above the pond should be treated as an ESHA, with only resource-dependent uses allowed. The proposed grading and development on the hillcrest within 300 feet of the pond is not dependent on the resources of this ESHA and would have significant adverse impacts to the habitat. Therefore, this proposed development is inconsistent with the ESHA protection policies of the LCP. It should be noted that portions of the slopes on the other side of the hill draining away from the pond are also located within 300 feet of the pond, and could be considered ESHA in accordance with the 1998 Biological Opinion. However, the Commission's staff biologist's evaluation indicates that the side of the hill draining away from the pond is not critical to the snakes and frogs, and that development on these slopes would not significantly impact these species. Therefore, the Commission imposes Special Condition 1 requiring the applicant to eliminate the lots proposed on the side of the slope draining towards the pond (Lots 124 through 131) from the project plans. The Commission finds that this condition is necessary to prevent the direct loss of habitat suitable for the San Francisco garter snake and the California red-legged frog, consistent with the ESHA protection policies of the certified LCP.

The revised project plan, as further modified by proposed Special Condition 1, will prevent the direct loss of ESHA. However, some potentially significant impacts to the San Francisco garter snake and the California red-legged frog will remain despite the mitigation measures required by Special Condition 1. Development is proposed within 30 feet of Streams 1, 2, and 3. Although these streams do not provide breeding habitat for the California red-legged frog, they do provide potential dispersal corridors for the frog (Balfour 2001). During winter rain events, juvenile and adult frogs are known to disperse up to two kilometers. The proposed development poses significant adverse impacts to the frogs by restricting movement between these corridors. In addition, domestic animals associated with the proposed residential development may prey on both species. To mitigate these potentially significant adverse impacts, the Commission imposes Special Condition 5 requiring the applicant to manage the ESHA for the San Francisco garter snake and the California red-legged frog. The primary management measure required under this condition is the control of bullfrogs and other predators of these species as recommended by both the applicant's consultant and the Commission's staff biologist. The Commission also imposes Special Condition 6 to protect the stream corridors from construction-related impacts. Finally,

the Commission imposes Special Condition 2 requiring the applicant to record and offer to dedicate an open space and conservation easement to secure the long-term protection of the ESHA. These conditions are necessary to achieve consistency with the ESHA protection policies of the Half Moon Bay LCP.

2.6.4 Conclusion

The proposed development includes non-resource dependent uses in sensitive habitat areas, and does not therefore limit uses within and adjacent to sensitive habitat areas consistent with the limitations of the certified LCP. Consequently, the proposed project would result in the direct loss of habitat for and would potentially result in the direct mortality of the San Francisco garter snake and the California red-legged frog. These impacts could be avoided by protecting the habitat areas, and, as discussed below, by spanning the full width of the riparian corridors where road crossings cannot feasibly be avoided. Therefore, as discussed above, the Commission imposes Special Conditions requiring the applicant to revise the project plans to fully protect the sensitive habitat areas located on the project site consistent with the requirements of LUP Policies 30240, 3-3, 3-4, 3-22, 3-24, 3-25 and Zoning Code Sections 18.38.085 and 18.38.090 and denies Coastal Development Permit Application A-1-HMB-99-022.

2.7 Raptor and Saltmarsh Common Yellowthroat Habitat

2.7.1 Issue Summary

Tree stands located in the northern portion of the project site provide potential habitat for tree nesting raptors. In addition, the site may provide habitat for ground nesting northern harriers. Raptor habitat is protected under the LCP as a habitat for unique species. The site may also provide nesting habitat for the Saltmarsh common yellowthroat. The Saltmarsh common yellowthroat is a California Department of Fish and Game Species of Special Concern. Nesting birds are sensitive to noise and other disturbance related to construction activities. Studies demonstrate that such disturbance can reduce the breeding success of nesting birds. To avoid the potential of significant adverse impacts to nesting birds on the project site, the Commission imposes special conditions that require the applicant to conduct a pre-construction survey for nesting raptors and Saltmarsh common yellowthroats and that prohibit construction activities that would disturb any active nests identified.

2.7.2 LCP Standards

Zoning Code Section 18.38.090.A.1, identifies raptors as unique species.

LUP Policy 3-1 defines sensitive habitats to include riparian areas, wetlands, sand dunes, marine habitats, sea cliffs, and habitats supporting rare, endangered, and unique species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and states that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. Furthermore, all uses shall be compatible with the maintenance of biologic productivity of such areas.

LUP Policy 3-4 permits only resource-dependent or other uses that will not have a significant adverse impact on sensitive habitats and are consistent with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

LUP Policy 3-33 Zoning Code Section 18.38.090.B limit the permitted uses of habitat for unique species to: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails, and (3) fish and wildlife management activities.

2.7.3 Discussion

Sensitive species, such as loggerhead shrikes, Cooper's hawks, and sharp-shinned hawks, whose population levels are already of concern, may nest in the tree stands in the northern project area. In addition, the site may provide habitat for ground nesting northern harriers. Raptor habitat is protected under the LCP as a habitat for unique species. The site may also provide nesting habitat for the Saltmarsh common yellowthroat, which is a California Department of Fish and Game Species of Special Concern. As approved by the City, development of the northern portion of the project site would have required the removal of approximately 200 trees. Removal of these trees would result in a loss of nesting habitat with potentially significant averse impacts to sensitive bird species. However, as revised for purposes of the Commission's de novo review, and as further conditioned by this coastal development permit, the proposed development that would have resulted in requiring this tree removal has been eliminated. As such, these tree stands will not be directly affected by the proposed development.

Although the revised project will not result in the permanent loss of nesting habitat, grading and other construction related activities, as well as post construction human activity and noise may cause birds to abandon nests, reduce the number of broods produced, or cause other behaviors that reduce breeding success. One study of hawks found that in areas where the birds were disturbed by humans, 60 percent of the nests failed, in comparison to only six percent in areas with minimal or no human disturbance (Wiley 1975, as cited in Department of Fish and Wildlife, no date). To avoid such impacts, a buffer should be maintained between nesting habitat and development. The recommended distance from nesting raptors varies from 50 feet to 1,600 feet. The distance for Cooper's hawk and sharp-shinned hawk ranges from 400 to 600 feet (Richardson and Miller 1997).

As revised and conditioned to eliminate most of the development north of Stream 3, the development will be several hundred to over a thousand feet from the largest tree stands. However, development is proposed to occur within less than 100 feet of approximately 50 eucalyptus trees located within the lower portion of the Stream 3 riparian corridor. In order to minimize disturbance impacts to any sensitive bird species that may nest in these trees, Special Condition 5A(6) requires that prior to commencement of grading or any other construction-related activity, a qualified biologist shall conduct a survey of nesting raptors at the project site. If white-tailed kite, Cooper's hawk or other tree-nesting raptors are found, the tree(s) shall be protected from disturbance during the nesting season. A temporary fence shall be placed 200 feet from the drip line of such trees and all grading or construction activities, including storage of materials or equipment, shall be excluded from the fenced area. If ground-nesting northern barriers are found, a temporary nest shall be placed around the nest at a radius of 300 feet and all construction shall be excluded from the fenced area. During the nesting season, the biologist shall monitor the grading or construction site on a biweekly basis. The protection measures shall remain in effect until the biologist has verified that adults have abandoned the nest or the young have left the nest or nest tree.

In addition, Special Condition 5A(6) requires that prior to commencement of grading or any other construction-related activity during the yellowthroat-nesting season, a qualified biologist

shall conduct a survey of the project site for nesting salt marsh common yellowthroats. A 100-foot fenced temporary buffer shall be established around any active nest to exclude any construction activity, or any storage of materials or equipment from such buffer. The fence shall remain in place until August 1 of the year or until the biologist verifies that the nest is no longer active. In the event that adult raptors or yellowthroats abandon a nest during grading or construction, the biologist shall within 48 hours prepare and submit a report to the executive director stating the observation and the biologist's professional opinion of the reasons therefore.

In addition, Special Condition 12 permanently prohibits removal of any trees that provided documented nesting habitat for any state or federally listed species of raptor and prohibits all physical development, including grading, from occurring within 100 feet of such trees.

The Commission finds that with the project revisions to retain the majority of the existing tree stands in the northern project area and as conditioned to minimize impacts to nesting habitat of any birds nesting in the trees located in the lower Stream 3 corridor, the proposed development is consistent with the habitat protection policies of the Half Moon Bay LCP.

2.8 Riparian Corridors

The Commission finds that as conditioned, the proposed development is consistent with the Half Moon Bay LCP Policies concerning the protection of riparian corridors.

2.8.1 Issue Summary

The property contains five steams, two are ephemeral or seasonal and three are intermittent or storm water drainages. These streams are indicated on Exhibit 9 as Streams 1-5. The LCP permits bridges to be constructed in riparian corridors and/or buffers only where no feasible or practical alternative exists. As approved by the City, the project included the construction of seven arched culverts that would bridge the five riparian corridors located on the site (Exhibit 9). However, as revised through January 26, 2001, four of these bridges have been eliminated, with one bridge each crossing Streams 1, 2 and 3. Because these streams divide the project site longitudinally, no feasible alternative exists to these crossings that would allow access to the areas of the site proposed to be developed.

The LCP does not define the phrase "riparian vegetation" and does not prescribe the manner in which riparian buffer zones are measured. Special Condition 6 specifies how the buffers shall be measured within the project site consistent with a biologically valid definition of riparian vegetation and all other applicable policies of the certified LCP.

2.8.2 LCP Standards

LUP Policies 3-7 through 3-13 specify the LCP definition of riparian corridor, the permitted uses in riparian corridors and buffers, the standards for development affecting riparian areas and buffers, and the minimum width of riparian buffer zones. These requirements are further defined in Zoning Code Section 18.38.075.

LUP Policy 3-11 and Zoning Code Section 18.38.075.D.1 specifies that the riparian buffer along intermittent streams shall be measured 30 feet from the limit of riparian vegetation. The LCP definition of riparian corridor is contained in LUP Policy 3-7.

2.8.3 Discussion

Riparian Buffers

LUP Policy 3-11 and Zoning Code Section 18.38.075.D set the minimum riparian buffer zone for intermittent streams as 30 feet outward from the limit of riparian vegetation or 30 feet from the midpoint of intermittent streams where no riparian vegetation exists. Some portions of the riparian corridors on the site are beneath a eucalyptus canopy. Consequently, these areas are without riparian vegetation and the proposed setback is 30 feet from the midpoint of the stream. In the areas that are not covered by eucalyptus, willows and other riparian vegetation is established. The LCP definition of riparian corridor (below) includes a list of riparian plants common to the area:

> *3-7 Definition of Riparian Corridors*
>
> *(a) Define riparian corridors by the "limit of riparian vegetation" (i.e. a line determined by the association of plant and animal species normally found near streams, lakes, and other bodies of fresh water: red alder, jaumea, pickleweed, big leaf maple, narrowleaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least 50% cover of some combination of the plants listed.* Emphasis added.

The applicant has interpreted this definition to mean that only the plant species listed are considered riparian vegetation under the LCP. However, the plants listed do not include many riparian species that may be found in the region and, in fact, does not include riparian plant species that are found within riparian corridors on the project site. Defining riparian vegetation in a manner that excludes such plants is not supported by the scientific literature or principles concerning riparian habitats. While lists of common species are often included in the discussion of specific types of riparian vegetation, including the above-cited provision, such plant lists are illustrative rather than exhaustive. The biological characteristics of a plant and the type of habitat in which it occurs determine whether it is riparian vegetation. Riparian vegetation is understood to include any vegetation that requires or tolerates soil moisture levels in excess of that available in adjacent terrestrial areas and typically associated with the banks, edges, or terrestrial limits of freshwater bodies, water courses, or surface emergent aquifers. Any definition for riparian vegetation that excludes plant species with these characteristics is not biologically valid.

In addition to being scientifically invalid, the applicant's proposed definition of riparian vegetation misinterprets the LCP. LUP Policy 3-7 is the LCP definition of riparian *corridor* not riparian *vegetation*. The LCP does not contain a definition of riparian vegetation. In the absence of a specific definition contained in the LCP, the Commission must rely on the scientifically accepted understanding of the term riparian vegetation. This interpretation of the above-cited provision is supported by LCP Policies 3-1 and 3-3, as well as Coastal Act section 30240 which has been incorporated into the certified LCP. In addition, nothing in the LCP limits the ability of the City or the Commission on appeal to require wider riparian and/or wetland buffers than the minimum distances specified when necessary to meet the requirements of other resource protection policies of the LCP.

The Commission therefore finds that buffers should be measured from the limit of any vegetation that meets the biologically valid definition of riparian vegetation. Therefore, the Commission imposes Special Condition 6A requiring the applicant to revise the project plans to measure the riparian buffers along the vegetated portions of Streams 1, 2, and 3 from the limit of any plant

species that requires or tolerates soil moisture levels in excess of that available in adjacent terrestrial areas and typically associated with the banks, edges, or terrestrial limits of freshwater bodies, water courses, or surface emergent aquifers.

Stream Crossings

A total of three road crossings are proposed via arched culverts with one culvert across Streams 1, 2, and 3. These crossings are shown on Exhibit 14 as Bridges 1-3. Such bridges are permitted within riparian corridors in accordance with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 only if no feasible or practical alternative exists and when bridge supports are not in significant conflict with corridor resources.

As discussed in Section 2.4 above, Ailanto proposes to construct the portion of Foothill Boulevard located within the project site. Beginning at the southern boundary of the site and running north to Grandview, this section of Foothill Boulevard crosses Streams 1, 2, and 3. Because Streams 1, 2, and 3 run perpendicular through the alignment of Foothill Boulevard as designated on the LUP Access and Circulation Map, it is not feasible to construct Foothill Boulevard without crossing these streams. The proposed bridges would span the streams with no supports located within the riparian corridor. Therefore, there are no feasible alternatives to proposed Bridges 1, 2 and 3, and these stream crossings are not in significant conflict with corridor resources. To further ensure that these crossings do not adversely affect riparian habitat, Special Condition 6B specifies that: (1) the bridges must span the streams with no supports located within the riparian corridors, (2) all construction activities, materials and equipment are prohibited from entering the riparian corridors and their respective buffer zones except as necessary for the construction of approved crossings, and (3) temporary construction fencing must be installed prior to the commencement of grading along the outer edge of all riparian buffer zones.

2.8.4 Conclusion

The Commission finds that as conditioned, the proposed development is consistent with the LCP policies requiring protection of riparian corridors.

2.9 Wetlands

The Commission finds that, as conditioned, the proposed development will not adversely affect wetlands on the projected site.

2.9.1 Issue Summary

The applicant has provided a delineation of wetlands on the project site that conforms with the definition of wetlands contained in the LCP as verified by the Commission's staff biologist. The applicant has revised the project plans to eliminate most of the development in the northern portion of the project site where these wetlands are located and to dedicate this area for open space and habitat conservation. No development is proposed within 100 feet of any identified wetland, and, as conditioned, a 300-foot buffer is required from the former agricultural pond to protect California red-legged frog habitat. The Commission also imposes conditions requiring the applicant to prepare and implement a habitat management plan and to install fencing to discourage people and pets from entering the wetland areas. As such, the Commission finds that, as conditioned, the proposed development is consistent with the LCP wetland policies.

2.9.2 LCP Standards

The LCP contains policies that define wetlands and sensitive habitats, specifying uses permitted in and adjacent to such areas, and setting development standards for the protection of these areas. These policies include LUP Policies 3-1, 3-3, 3-4, 3-11, LUP Appendix A, and Zoning Code Sections 18.02.040, 18.38.020.E, and 18.38.080.

2.9.3 Discussion

In its action on the substantial issue portion of this appeal in March 2000, the Commission found that a substantial issue existed regarding whether the project plans approved by the City included all of the wetland areas on the site. Subsequent to the City's approval, Ailanto has submitted a series of reports and memoranda culminating in a revised wetland delineation dated November 4, 1999 (Exhibit 8). The revised wetlands delineation shows eight vegetated wet areas, three ephemeral and two intermittent streams and a pond. The Commission's staff biologist has determined that the revised delineation accurately depicts the wetland areas on the site in accordance with the LCP. The Commission notes that the provisions regarding wetlands contained in the certified LCP, including Section 30233 of the Coastal Act, which the City incorporated into its certified LCP, require the protection of all areas within the project site where the water table is near the land surface long enough to support the growth of hydrophytes or to support the formation of hydric soils.

Numerous gullies are located in the area. The site's vegetation has been affected by historic cultivation. Mature eucalyptus and cypress trees exist on portions of the site. The pond and streams contain willows, cypress and other plants associated with wetlands. The 1.6-acre pond shown in the revised wetland delineation was created in the 1950s as a stock pond. This was accomplished through construction of a 23-foot-high earthen dam on the west side of the pond and diversion of a stream (Stream 3). Stream 4 also drains into the pond and surrounding wetlands. The pond outflows into Stream 5, which eventually leads to Pilarcitos Creek. The pond and a 100-foot buffer around it are shown on the project plans. Although the project plans include a 100-foot buffer around the pond, the applicant asserts that no buffer is required under the LCP because it is a man-made pond used for agricultural purposes (Cassidy 1999). While disagreeing with the staff's position with respect to required buffers for the pond and Wetlands A, E, and G, the applicant has amended the permit application de novo to include a 100-foot buffer around each of these areas.

LUP Policy 3-11(c) states:

> *Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs <u>used for agricultural purposes</u> for which no buffer zone is designated.* [Emphasis added]

This policy is implemented by Zoning Code Section 18.38.080.D, which defines "Wetlands Buffer Zone" as:

> *The minimum buffer surrounding lakes, ponds, and marshes shall be 100 feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs <u>used for agriculture</u>.* [Emphasis added]

Chapter 8 of the LUP incorporates the definition of "Agricultural Use" contained in Government Code Section 51201(b) which states:

> *"Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.*

Although the pond was originally created for agricultural purposes, the proposed development will not continue this or any other agricultural use on the site. Consequently, a 100-foot buffer is required around the pond in accordance with LUP Policy 3-11(c) and Zoning Code Section 18.38.080.D.

Although the applicants subsequently revised their project description to avoid Wetlands A, E and G, the applicant contends that Wetlands A, E and G are exempt from the Commission's review authority under §13577(b)(2) of the Commission's regulation. Section 13577(b)(2) provides that wetlands subject to the Commission's appeal jurisdiction do not include:

> *"… wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and there is no evidence […] showing that wetland habitat predated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands."* [Emphasis added]

In support of this contention, Ailanto asserts that Wetlands A, E and G are exempt because they were created to supply water to the pond and reservoir (Wetland E) or as a result of runoff and seepage from the pond and reservoir (Wetlands A and G). However, as discussed above, the record documents that the pond will no longer be used for agricultural purposes. Since the site no longer contains an agricultural pond, the other wetlands are no longer associated with or created by an agricultural pond. The Commission finds that the exemption provided in Section 13577(b)(2) does not apply to wetlands that currently exist independent of and disassociated from preexisting agricultural activities. The Commission also notes that if the wetlands were filled, they would support residential, not agricultural activities. The Commission also finds that the exemption in § 13577(b)(2) is inapplicable to the proposed fill of wetlands for other than agricultural purposes.

While stating that it reserves the right to amend the project with respect to protection of the pond, Ailanto reduced the number of proposed lots and reconfigured the subdivision plan to conform with the wetland buffer policies of the LCP. As modified, no portion of any lot line is proposed within 100 feet of the delineated wetlands, including the pond. In addition, to protect the habitat of the California red-legged frog, Special Condition 1 requires a 300-foot buffer around the pond. Thus, the proposed development is consistent with the LCP wetland buffer policies.

The presence of people and pets could be harmful to the sensitive species and habitat in the open space areas north and east of the subdivision. Therefore, Special Condition 5.A.7 requires the applicant to construct a fence four- to five-foot high fence with a solid base to separate the developed areas, including trails, from the adjacent open space and environmentally sensitive habitat areas. The Commission finds this requirement sufficient to minimize disturbance of the site's wetland areas from humans and domestic animals.

2.9.4 Conclusion

The project plans correctly delineate wetland habitat on the site in accordance with the definition of wetlands contained in the LCP. The proposed development provides a 100-foot buffer and additional mitigation measures to protect the wetland areas on the site. As conditioned, no

development shall occur within the pond and the wetland and other sensitive habitat areas will be separated from the developed areas of the site with fencing. Therefore, the Commission finds the proposed development in conformance with the wetland protection policies of the LCP.

2.10 Visual Resources

The Commission finds that, as conditioned, the proposed development conforms to the LCP policies concerning the protection of the scenic qualities of the hillscapes inland of Highway 1.

2.10.1 Issue Summary

Because the project site is located at the base of hills inland of Highway 1, the development will not affect views of the coast. However, the development could significantly alter views of the hillsides. The LCP contains policies intended to protect inland views of these hillsides above the 160-foot contour. The LCP also adopts Coastal Act Section 30251, which requires development to minimize the alteration of landforms and be visually compatible with the character of the surrounding areas. No grading or construction is proposed above the 160-foot contour. However, the lot lines of 13 of the proposed lots would extend above the 160-contour. To ensure the permanent protection of inland coastal views as required under the LCP, Special Condition 4 requires the applicant to record an open space deed restriction over the portion of the project site above the 160-foot contour, notifying future property owners that development on these slopes is prohibited.

2.10.2 LCP Standards

The LCP includes policies intended to protect views of these scenic hillsides. Included in these policies is Zoning Code Section 18.37.020.B, which designates the hillside areas above the 160-foot contour east of the project site as a scenic area, and LUP Policy 7-10, which states that new development on upland slopes visible from Highway 1 shall not involve grading or building siting which results in a significant modification of hillscapes. These hillsides are included on the Visual Resources Overlay Map of the LUP.

LUP Policy 9.3.7(g) requires that development of the Dykstra Ranch PUD shall minimize interruption of views of these hillsides, stating:

> *Structures shall be sited so as to minimize interruption of views of the upper hillsides from Highway 1 and the public recreation area along the shoreline.*

2.10.3 Discussion

As proposed, no portion of any building footprint would be located above the 160-foot contour line, but portions of the homes to be constructed on the upper lots would project above this elevation to as high as the 190-foot contour. In their appeal, the appellants contended that the LCP prohibits any portion of a structure to project above the 160-foot elevation. LUP Policy 9.3.7(c) specifies that no development shall be permitted on slopes above the 160-foot contour. Given the policies' limitation on development on slopes above the 160-foot contour, no portion of any structure may be constructed on slopes above the 160-foot contour. However, Policy 9.3.7(c) does not prohibit development that projects above this elevation. Consequently, the Commission finds that the development as proposed conforms with the LCP Policies concerning development on the hillsides above the 160-foot contour elevation.

Although no physical development is proposed on the protected slopes, 13 of the proposed lots extend above the 160-foot contour. As such, there is a potential that, in the future, owners of these properties may have an expectation to site development, such as accessory structures, patios, etc. on these hillsides. Therefore, to ensure the permanent protection of inland coastal views as required under the LCP, Special Condition 4 requires the applicant to record an open space deed restriction over the portion of the project site above the 160-foot contour, notifying future property owners that all development on these slopes is prohibited.

2.10.4 Conclusion

The Commission finds that, as conditioned, the proposed development will permanently protect the hillsides above the 160-foot contour on the project site from development, consistent with Half Moon Bay LUP Policies 7-10 and 9.3.7(g), and Zoning Code Section 18.37.020.B.

2.11 Water Quality/Polluted Runoff

The Commission finds that, as conditioned, the proposed development includes adequate measures to prevent significant adverse impacts to coastal waters quality consistent with the water quality protection policies of the LCP.

2.11.1 Issue Summary

The proposed development includes substantial grading, vegetation removal, and the creation of new impervious surfaces with the potential to increase erosion, sedimentation and runoff with significant adverse impacts to the quality and biological productivity of coastal waters both on and off of the project site. In addition, the use of herbicides, pesticides and other hazardous substances associated with the proposed residential development may further degrade water quality. Polluted runoff and sedimentation could significantly impact the viability of the threatened and endangered species habitat discussed in Section **Error! Reference source not found.**. Therefore, the Commission imposes special conditions requiring the applicant to submit erosion control and storm water pollution prevention plans for staff review and approval prior to issuance of the coastal development permit. These plans are required to include specific best management practices (BMPs) designed to control construction related and post-construction erosion and polluted runoff.

2.11.2 LCP Standards

LUP Policy 4-8 states that no new development shall cause or contribute to flood hazards. Policy 4-9 requires new development to be designed and constructed to (1) prevent increases in runoff, erosion, and flooding, (2) minimize runoff from graded areas, and (3) dissipate the energy of storm water discharges from outfalls, gutters, and other conduits. The LCP also adopts Coastal Act Policy 30253, which requires new development to neither create nor contribute significantly to erosion or destruction of the site or surrounding area, and Coastal Act Section 30231 which requires protection of the biological productivity and quality of coastal waters.

In addition to these policies directly addressing storm water runoff, erosion, and flooding, the LCP policies discussed in Section, **Error! Reference source not found.**, **Error! Reference source not found.**and **Error! Reference source not found.**, concerning protection of wetlands, riparian areas, and other sensitive habitat areas must be considered when evaluating the potential impacts of the project due to storm water runoff and erosion.

2.11.3 Discussion

Site Drainage Characteristics

The project site drains to the west by sheet flow, channelized flow though the five streams running though the site, and by shallow (perched) groundwater flow. The site contains springs, seeps, and wet areas, particularly in the northern portion of the site near the pond. Streams 4 and 5 flow into the pond on the site, which originate to the east in the Chesterfield Watershed (Exhibit 11). The pond is drained by Stream 5 which flows off the site to the northwest and drains into ditches and culverts along Grandview Boulevard and Highway 1, eventually discharging into Pilarcitos Creek (Exhibits 8 and 9).

The project site is part of the Terrace Avenue Assessment District, which was formed in the early 1980s to construct storm drain facilities for this area. Streams 1 and 2 are intercepted by existing storm drains at the western edge of the property. As discussed in Section **Error! Reference source not found.**, Stream 3 was diverted in the 1950s to help fill the pond. Subsequent siltation and construction of berms has redirected most of the flow back into the natural, westerly flowing channel, which is intercepted downstream by a 48-inch storm drain pipe on the Beachwood property.

Project Impacts

The proposed development could result in adverse impacts to coastal water quality both on and off site through increased storm water runoff from new impervious surfaces, sedimentation resulting from grading and vegetation removal, and use of herbicides, pesticides and other hazardous substances. Polluted runoff and sedimentation could significantly affect the viability of the threatened and endangered species habitat discussed in Section **Error! Reference source not found.**.

The project includes substantial grading, road construction, vegetation removal, and other construction related site disturbance that could result in significant impacts to the wetlands and riparian areas on the site as well as to off-site coastal waters due to erosion and sedimentation. The project plans show that a substantial volume of the runoff from rooftops and paved areas will be directed into a storm drain system that discharges into Pilarcitos Creek. Pilarcitos Creek is identified in the LCP as an important riparian habitat area and is known to provide habitat for the California red-legged frog. Drainage from the northern portion of the project site will be directed into an open drainage ditch south of Grandview Avenue. This ditch flows to the west through a culvert under Highway 1 into the Kehoe drainage ditch, which has been subject to flooding in the past. Both the Kehoe drainage ditch and Pilarcitos Creek discharge directly into the sea. Polluted runoff from the project site could significantly impact these waterways.

Mitigation Measures

To ensure the protection of coastal water quality and biological productivity from impacts associated with grading, vegetation removal and other construction-related activities, the Commission imposes Special Condition 8 requiring the applicant to implement specific erosion and polluted runoff control measures in accordance with an approved erosion control plan. The erosion control plan is required to include specific BMPs to address: (1) erosion and sediment source control, (2) runoff control and conveyance, (3) sediment capturing devices, and (4) chemical control. The condition requires monitoring and maintenance of all erosion control BMP devices.

In addition to the measures required under Special Condition 8, Special Condition 9 requires the applicant to prepare and implement a storm water pollution prevention plan (SWPPP) to provide for long-term polluted runoff control. Special Condition 9 requires the SWPPP to include specific BMPs to: (1) minimize the creation of impervious surfaces, (2) reduce polluted runoff from roads and parking lots, and (3) control polluted runoff related to irrigation and use of chemicals associated with landscaping, and requires long-term maintenance of these BMP devices. Special Condition 9 also requires the applicant to implement an approved water quality monitoring plan that includes specific quality standards to evaluate the effectiveness of the SWPPP in protecting the quality of both surface and groundwater. Finally, Special Condition 9 requires the applicant to take corrective actions as needed to remedy any failure to obtain the water quality standards specified in the approved water quality monitoring plan.

2.11.4 Conclusion

The Commission finds that as conditioned to control both construction and post-construction related polluted runoff and to require long-term water quality monitoring and protection, the proposed development is consistent with the erosion control and water quality protection policies of the Half Moon Bay LCP.

2.12 Conversion of Agricultural Lands

Although the proposed development will result in the conversion of 36 acres of prime agricultural lands to residential use, agricultural use of the site is severely limited by conflicts with urban uses and is therefore designated in the LUP as an area suitable for development. Therefore, the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.12.1 Issue Summary

In the past, the lower slopes and flatlands within the 114-acre Pacific Ridge site were used for pasture. Approximately 36 acres of the site (32 percent) contain Class II soils as shown on the U.S. Department of Agriculture Soils Conservation Service Soil Survey (USDA 1961) and are therefore classified as prime agricultural lands under the LCP (Exhibit 10). The proposed project would commit these prime agricultural lands to urban use.

2.12.2 LCP Standards

The LCP incorporates Coastal Act Sections 30241 and 30242, which provide that the maximum amount of prime agricultural land shall be maintained in agricultural production and that conversion to nonagricultural uses of other non-prime lands shall be limited. Conformance with these policies is to be accomplished through, among other means, the establishment of stable urban/rural boundaries and by limiting conversion of agricultural lands where the viability of agricultural uses is severely limited by conflicts with urban uses.

The LUP adopts the Coastal Act definition of prime agricultural lands, which incorporates by reference Government Code Section 51201. This definition includes all land that qualifies for rating as Class I or Class II in the Soils Conservation Service land use capability classifications.

LUP Policy 8-12 sets the urban/rural boundary for the region as the Half Moon Bay City Limit.

Coastal Act Section 30250(a), also incorporated into the LCP, requires that new development shall be located within, contiguous with, or in close proximity to existing developed areas.

2.12.3 Discussion

Chapter 8 of the LUP provides for the urbanization of former agricultural lands where farming is no longer economically viable. The land use designations and agricultural policies of the LUP establish a system for phasing the conversion of agricultural lands to urban use. The criteria used to form this phasing plan include availability of necessary infrastructure, proximity to existing developed areas, and parcel size. Lands clearly no longer suitable for agriculture are designated for development first. Lands that are expected in the short term to be suitable for agricultural use are designated as Urban Reserve. These lands are to be developed only after substantial build-out of the lands designated for development. The LUP designates lands capable of continuing to support viable agricultural uses (at the time that the LUP was certified in 1985) as Open Space Reserve. Open Space Reserve lands may be developed under the LUP only after all other remaining lands in the City suitable for development have been developed or committed to other uses. Chapter 9 of the LUP further provides that new development shall be located within, contiguous with, or in close proximity to existing developed areas to (1) avoid urban sprawl, (2) prevent premature commitment of rural lands to development, and (3) preserve the maximum amount of land in urban areas suitable for agricultural use.

All undeveloped lands designated in the LUP as potentially suitable for new residential development are classified into six categories in accordance with their relationship to existing development, prior commitment to urbanization, and the coastal resource protection policies of the Coastal Act. These categories are intended to prioritize development within the City as follows:

1. Existing Neighborhoods. In-fill development of existing neighborhoods.
2. Paper Subdivisions. Undeveloped areas previously committed to urbanization by subdivision.
3. Contiguous Unsubdivided Lands Without Significant Resource Value. Unsubdivided lands generally contiguous with or surrounded by existing development without significant agricultural, habitat, or coastal recreational value.
4. Unsubdivided And Other Lands Not Contiguous With Existing Development Without Significant Resource or Recreational Value. The Wavecrest Restoration Project is the only area in the City that falls within this category.
5. Unsubdivided Lands Contiguous with Existing Development and Having Agricultural, Coastal Recreation or Habitat Value.
6. Unsubdivided Lands not Contiguous with Existing Development and Having Agricultural, Coastal Recreation, Habitat, and Scenic Value.

The LUP designates the Pacific Ridge Development site as a Category 3 area suitable for development.

2.12.4 Conclusion

The project site is not currently in agricultural production, and is not considered a viable agricultural site under the LUP. The site is located within the urban rural boundary and is contiguous with the existing Grandview Terrace and Newport Terrace subdivisions. Agricultural use of the site is severely limited by conflicts with urban uses. For example, pesticide use would be restricted due to proximity to residential development and to the high school. For all of these

reasons, the project site is designated in the LUP as an area suitable for development. Therefore, the Commission finds that the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.13 California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding significant adverse environmental effects of the project that were received prior to Commission action. The proposed development has been conditioned in order to be found consistent with the traffic, public access and recreation, environmentally sensitive habitat, wetland, riparian corridor, visual resource, erosion control and water quality policies of the certified LCP, and the public access and recreation policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the development may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the certified LCP and Coastal Act and to conform to CEQA.

APPENDIX A
Substantive File Documents

References:

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